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TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[WFO 66, Amdt. 9]

PART 1468—GRAINS

MALTED GRAINS, MALT SYRUP, RICE, HOPS, AND HOP PRODUCTS

War Food Order No. 66, as amended (8 F.R. 10480, 13841; 9 F.R. 1084, 4321, 4319, 9584, 11461, 11929, 14122; 10 F.R. 103, 1722), is further amended so as to read as follows:

§ 1468.2 *Restrictions on use and delivery of malted grains, malt syrup, rice, hops, and hop products*—(a) *Definitions*. (1) "Brewer" means any person who is engaged in the commercial manufacture of malt beverages in the continental United States.

(2) "Malt beverages" means beer, ale, stout, porter, near-beer, and beverages of a similar kind, made by alcoholic fermentation of malted grain, with or without other food products, and with hops or hop products.

(3) "Malted grain" means barley, wheat, rye, or any other grain, which has been steeped in water, germinated and dried.

(4) "Malt syrup" means any syrup or extract derived, in whole or in part, from malted grain.

(5) "Hops" means the pistillate cones, in the dried or green state, of the vine *Humulus lupulus* or *Humulus americanus* produced in 1944 or previous years.

(6) "Hop product" means any substance (i) which is derived, in whole or in part, from hops; and (ii) which is suitable for use in the manufacture of malt beverages, including, but not limited to, any form of such products generally known as hopulon, lupulin, lupulin sweepings, hop oil, hop emulsion, or hop extract.

(7) "Bushel" means any quantity of malted grain weighing 34 pounds, net weight.

(8) "Minimum carload" means a rail shipment of such minimum quantity as

the Office of Defense Transportation may establish as the minimum permitted carload in General Order 18-A, as amended (8 F.R. 14477; 9 F.R. 116, 7528), as it may be amended or modified from time to time.

(9) "Use" means, with respect to malted grain and the grades and classes of rice which are referred to in (d) hereof, to infuse into a mash; and such term means, with respect to malt syrup, to introduce into a brew.

(10) "Quota period" means any one of the following 3-month periods: (i) March 1 to May 31, both inclusive; (ii) June 1 to August 31, both inclusive; (iii) September 1 to November 30, both inclusive; and (iv) December 1 through the last day of February in the next calendar year.

(11) "Base year" means the period extending from March 1, 1942, to February 28, 1943, both inclusive.

(12) "Director" means the Director of Marketing Services, War Food Administration.

(13) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(14) "Continental United States" means the area which is within the limits of the 48 States and the District of Columbia.

(b) *Restrictions on use of malted grain and malt syrup*. (1) No brewer shall use, in the manufacture of malt beverages in any quota period, more than 93 percent of the quantity of malted grain which he used for such purpose during the corresponding period in the base year. No brewer shall use, in the manufacture of malt beverages in any quota period, more than 93 percent of the quantity of malt syrup which he used for such purpose in the corresponding period in the base year.

(2) Notwithstanding the limitations contained in (b) (1) hereof, if 93 percent of the total quantity of malted grain used by any brewer in the base year at all of the plants owned by him did not exceed 70,000 bushels, such brewer may use, in any quota period, in lieu of a quota computed pursuant to (b) (1) hereof, a total quantity of malted grain which is not in

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NOTICE

The 1943 Supplement to the Code of Federal Regulations, covering the period June 2, 1943, through December 31, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per book.

Book 1: Titles 1-31, including Presidential documents in full text.

Book 2: Titles 32-50, with 1943 General Index and 1944 Codification Guide.

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excess of 100 percent of the total quantity of malted grain used by such brewer in the corresponding 3-month period of such base year. However, the total quantity of malted grain used by any brewer whose quota therefor is computed pursuant to the provisions of this subparagraph in any period of 12 consecutive calendar months, beginning on March 1 of any year, shall not exceed 70,000 bushels.

(3) Notwithstanding the limitations contained in (b) (1) and (2) hereof, any brewer who was engaged in the manufacture of malt beverages during the base year may use, in any quota period, in lieu of a quota computed pursuant to (b) (1) or (2) hereof, a total quantity of malted grain which is not in excess of 2,100 bushels.

(4) Notwithstanding the limitations contained in (b) (1), (2), and (3) hereof, for each of the quota periods beginning on March 1, 1945, and June 1, 1945, respectively, each brewer shall compute and use a quota in accordance with the following:

(i) If 93 percent of the total quantity of malted grain used by any brewer in the base year at all plants owned by such brewer exceeded 70,000 bushels, such brewer may use, in each of the said

quota periods beginning on March 1, 1945, and June 1, 1945, not more than 88 percent of the quota which such brewer would otherwise be permitted to use in such quota period, pursuant to the provisions of (b) (1) hereof. In the event the quota of any such brewer has been adjusted, by increasing or decreasing his allocation, pursuant to a petition for relief from hardship filed in accordance with the provisions of (j) hereof, the adjusted quota is reduced, for each of the aforesaid quota periods, by 12 percent.

(ii) If 93 percent of the total quantity of malted grain used by any brewer in the base year at all plants owned by such brewer was 70,000 bushels or less, but more than 8,000 bushels, such brewer may use, in each of the said quota periods beginning on March 1, 1945, and June 1, 1945, not more than 93 percent of the quota which such brewer would otherwise be permitted to use in such quota period, pursuant to the provisions of (b) (2) hereof. In the event the quota of any such brewer has been adjusted, by increasing or decreasing his allocation, pursuant to a petition for relief from hardship filed in accordance with the provisions of (j) hereof, the adjusted quota is reduced, for each of the aforesaid quota periods, by 7 percent.

(iii) If the quantity of malted grain used by any brewer in the base year did not exceed 8,000 bushels, and the quota of any such brewer has been adjusted, by increasing or decreasing his allocation, pursuant to a petition for relief from hardship filed in accordance with the provisions of (j) hereof, the adjusted quota is reduced, for each of the quota periods beginning on March 1, 1945, and June 1, 1945, by 7 percent.

No brewer shall use, in any quota period, more than 85 percent of his quota of malted grain in the production of malt beverages having an alcoholic content in excess of 3.2 percent by weight. No brewer shall use, in any quota period, more than 85 percent of his quota of malt syrup in the production of malt beverages having an alcoholic content in excess of 3.2 percent by weight.

(6) No brewer, unless authorized by the Director, shall sell or deliver, in any quota period, malt beverages having an alcoholic content of 3.2 percent, or less, by weight: *Provided*, That any brewer, without authorization from the Director, may sell or deliver, in any quota period, any malt beverages having 3.2 percent, or less, of alcohol by weight, in excess of a quantity of such beverages equal to 15 percent of his total production of all malt beverages in the same quota period.

(7) The quotas computed pursuant hereto by a brewer owning or operating more than one plant shall be computed for each plant separately, and on the basis of the brewing operations at the particular plant.

(8) Any brewer may substitute malt syrup for malted grain, in which event he shall deduct 10 pounds from the amount of his malted grain quota for every 8 pounds of malt syrup so substituted. Any brewer may substitute malted grain for malt syrup, in which event he shall deduct 8 pounds from the amount of his malt syrup quota for every 10 pounds of malted grain so substituted.

(c) *Restrictions on inventory of malted grain and malt syrup.* (1) No brewer, other than a brewer who produces malted grain, shall acquire (by purchase or otherwise) or accept delivery of a quantity of malted grain which will cause the total quantity of malted grain owned by such brewer or in his possession at any one time to exceed 4,000 bushels or 8 percent of the quantity of malted grain used by such brewer in the production of malt beverages in the calendar year 1942, whichever amount is the greater.

(2) No brewer who produces malted grain shall acquire (by purchase or otherwise), accept delivery of, or manufacture a quantity of malted grain which will cause the total quantity of malted grain owned by such brewer or in his possession at any one time on or after September 1, 1945, to exceed 15 percent of the total quantity of malted grain used by such brewer for all purposes in the calendar year 1942.

(3) No brewer, other than a brewer who produces malt syrup, shall acquire (by purchase or otherwise) or accept delivery of a quantity of malt syrup which will cause the total quantity of malt syrup owned by such brewer or in his possession at any one time to exceed 10 percent of the quantity of malt syrup used by such brewer in the production of malt beverages in the calendar year 1942.

(4) Nothing in this order shall be construed to require delivery of less than a minimum carload of malted grain, and any brewer owning or having under his control less than his permitted inventory of malted grain may acquire or accept delivery of a minimum carload of such grain.

(d) *Restrictions on purchase and use of rice.* No brewer shall purchase or use, in the manufacture of malt beverages, any rice except either second head milled rice (class XII), or screenings milled rice (class XIII), or brewers milled rice (class XIV), as those grades and classes of rice are defined in the "United States Standards for Milled Rice," issued by the Acting Secretary of Agriculture on April 28, 1942, and made effective on May 15, 1942, or as such standards for those grades and classes of rice may be amended from time to time hereafter. No person shall sell to a brewer, for brewing purposes, any rice except the grades and classes of rice which are referred to in the preceding sentence of this paragraph. The provisions of this paragraph shall not be construed as a modification, suspension, or amendment of War Food Order No. 10, as amended (8 F.R. 1076, 1707, 9863, 14785; 9 F.R. 4321, 4319, 8174, 12505; 10 F.R. 103, 1824, 2705).

(e) *Restrictions on acquirement of hops and hop products.* (1) After September 1, 1944, no brewer shall acquire (by purchase or otherwise) or accept delivery of a quantity of hops in excess of his purchase quota as provided for in the following sentence of this paragraph. Each brewer's purchase quota of hops after September 1, 1944, shall be 150 percent of the quantity of hops which he used in the manufacture of malt beverages in 1943, minus the quantity of hops which he owned, possessed, or in

any other manner controlled on September 1, 1944.

(2) After September 1, 1944, no brewer shall acquire (by purchase or otherwise) or accept delivery of a quantity of hop products in excess of his purchase quota as provided for in the following sentence of this paragraph. Each brewer's purchase quota of hop products after September 1, 1944, shall be 150 percent of the quantity of hop products which he used in the manufacture of malt beverages in 1943, minus the quantity of hop products which he owned, possessed, or in any other manner controlled on September 1, 1944.

(f) *Carrying over of quotas.* Malted grain and malt syrup quotas may be carried over from one quota period to another quota period only with the written permission of the Director. Application for such permission shall be made by letter, in which shall be set forth the pertinent facts, the amount of the quota desired to be carried over, and the reasons which the brewer believes justify the granting of such permission. If any brewer has remaining, at the end of any quota period, an unused portion of his quota which is insufficient to produce a full brew, he may, notwithstanding the foregoing restrictions, carry such balance over into the next succeeding quota period, and add such balance to his quota for use in such succeeding quota period, without obtaining specific permission therefor from the Director.

(g) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of malted grains, malt syrup, rice, hops, and hop products of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(h) *Records and reports.* (1) Each manufacturer of malted grain shall submit a report to the Director on Form No. FDO 66-1 for each month, showing his production, shipments, and inventories of malt for such month. The report for each month shall be sent to the Director of Marketing Services, War Food Administration, Washington 25, D. C., Ref. WFO 66, in time to reach him on or before the 10th day of the following month, and it shall contain the information required by the Director.

(2) Each brewer shall submit a report to the Director on Form No. FDO 66-2 for each month, showing his production, sales, and inventories of malt beverages for such month. The report for each month shall be sent in duplicate to the Director of Marketing Services, War Food Administration, Washington 25, D. C., Ref. WFO 66, in time to reach him on or before the 10th day of the following month, and it shall contain the information required by the Director.

(3) The Director shall be entitled to obtain such additional information from, and to require the furnishing of such additional reports and the keeping of such additional records by, any person, as may be necessary and appropriate, in the Director's discretion, to the enforcement or administration of the

provisions of this order, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(4) Every person subject to this order shall, for at least two years (or for such other period of time as the Director may designate), maintain an accurate record of his transactions in malted grains, malt syrup, the grades and classes of rice set forth in (d) hereof, hops, and hop products.

(i) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using malted grains, malt syrup, rice, hops, or hop products. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(k) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(l) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director of Marketing Services, War Food Administration, Washington 25, D. C., Ref. WFO 66.

(m) *Effective date.* This order shall become effective at 12:01 a. m., on the 2d day of May, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 66, as amended, prior to the effective time of the provisions hereof, the provisions of the said War Food Order No. 66, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 30th day of April 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 45-7123; Filed, May 1, 1945;
12:12 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Interpretation 15]

MAKING OR DELIVERING MATERIAL EARLIER THAN REQUIRED BY CUSTOMERS

The following interpretation is issued with respect to Priorities Regulation 1:

(a) Paragraph (a) of § 944.14 of Priorities Regulation 1 prohibits a person from knowingly making a delivery which will give his customer more than the "practicable minimum working inventory reasonably necessary" for him to make his own deliveries. Paragraph (c) of that section prohibits a person from processing or fabricating material if his inventory of the material in its processed or fabricated form will be more than a practicable minimum working inventory of it. These two restrictions should be borne in mind by any supplier who wants to make or deliver any material to his customer earlier or in greater quantities than required by the customer.

(b) For example: A supplier has accepted his customer's order for a product to be delivered at the rate of 100 a month for six months. The supplier would like to ship 200 a month for three months, or perhaps the entire 600 in the first month. Since the customer's requirements of 100 a month are presumably all he could accept within the inventory limitations of paragraph (a) of § 944.14, the requirement that the supplier may not knowingly ship more than this would prevent him from delivering earlier than required by his customer, unless he received notice from his customer that the receipt of the larger amount would not cause him to have an excess inventory.

(c) Thus, before delivering a material or product substantially earlier or in greater quantities than is called for by his customer's order, a supplier is required to satisfy himself that the receipt by the customer of the changed quantities will be within the permissible inventory limitations applicable to the customer. The supplier may rely on any statement or notice to this effect from his customer, unless he knows or has reason to know that it is false.

(d) Similarly, assuming his customer would not be permitted to receive the larger quantities, the supplier should take this into account in his plans for processing the material or product so that he himself will not have an inventory greater than permitted by § 944.14, paragraph (c).

(e) This interpretation, of course, does not change the rule on delivery or acceptance of minimum sales quantities or production runs to the extent described in Interpretation 7 to Priorities Regulation 1. Also, if any WPB order or regulation permits increased deliveries to the extent necessary to avoid shipping partly filled containers (such as paragraph (y) (4) of Order

M-300), the rule in this interpretation does not prevent such deliveries.

Issued this 2d day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-7163; Filed, May 2, 1945;
11:13 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, as Amended Apr. 10, 1945, Amdt. 1]

Section 944.34 *Priorities Regulation 13*, is amended in the following respects:

1. In paragraph (b), sixth line, insert "or made" after "acquired".
2. In paragraph (c) (1) (v) change "if" in the first line to read "even if".
3. In paragraph (c) (2) (iv) change "and where" in the fifth line to read "even if".

4. Part I of List A is amended in the following respects:

a. Under Copper, not in controlled material form, amend the entry reading "Semi-fabricated or fabricated unassembled parts or products, etc. (including bolts, nuts, screws, rivets, washers, studs, and pins (such as cotter, clevis, brake, knuckle and taper))" to read as follows:

Col. 1	Col. 2	Col. 3
Nails, tacks, screws, nuts,		
bolts, rivets, washers,		
expansion shields and		
pins (such as cotter,		
clevis, brake, knuckle		
and taper)-----	FR-AA5	WOP

b. Delete "Welding rods and electrodes" from Column 1 and all references to that item in Columns 2 and 3.

5. Part I of List B is amended by deleting "Welding rods and electrodes" from Column 1 and the reference to that item in Column 2.

Issued this 2d day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-7164; Filed, May 2, 1945;
11:13 a. m.]

PART 984—LEAD

[General Preference Order M-38, as Amended May 1, 1945]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of lead for defense for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 984.1 *General Preference Order M-38—(a) Scope of the order.* This order controls generally the use of lead and lead products. Lead and lead products may be used only for the items and purposes set forth in the order. Other restrictions may also be found in other orders of the War Production Board relating to particular articles or parts. In

such case the more restrictive provision governs. In no case shall any person use, purchase, sell, deliver or accept delivery of any lead in violation of this order.

(b) *Definitions.* For the purpose of this order:

(1) "Lead" means metallic lead, including any alloy containing 50% or more by weight of metallic lead. It includes soft and antimonial lead produced from foreign or domestic ores, scrap, drosses, or other lead bearing material, as well as scrap lead and alloys in which the lead content is 50% or more by weight.

(2) "Lead product" means lead in the form of sheet, pipe, ingot, castings, and foil.

(3) "Refiner" means any person who produces lead in refinery shapes, and includes any person who has such lead produced for him under toll agreement.

(4) "Dealer" means any person who procures lead either by importing or from domestic sources for sale or resale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(5) "Military order" means a specific contract or sub-contract necessitating the use of lead or lead products in the manufacture of any product, or any component to be physically incorporated into such products, produced for or for the account of the Army or Navy of the United States, Maritime Commission, War Shipping Administration, Veterans Administration or Office of Scientific Research and Development.

(6) "Implement of war" means combat end products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles and radio and radar equipment), and any parts, assemblies or materials to be incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items.

(7) "Use" means to melt, form or alloy lead for introduction into an end product or a component thereof.

(8) "Item" means any article or component thereof.

(c) *Prohibitions on use.* On and after April 1, 1945, no person shall use lead or lead products except for the items and purposes and subject to the qualifications set forth in List I of this order, and then only to the extent necessary to meet applicable specifications or for the proper service performance of the end product or where the use of any less critical material is impracticable or when satisfactory substitutes are prohibited in other War Production Board orders.

(d) *Special directions.* The War Production Board may at any time issue special directions to any person respecting the production, distribution, delivery, or acceptance of delivery of lead.

(e) *Lead from Metals Reserve Company.* Any person unable to obtain pig lead from the regular sources of supply and wishing to procure pig lead from the Metals Reserve Company must make application in writing to the War Production Board on Form WPB-95, not later than the 20th of the month preceding that of shipment.

(f) *Inventory restrictions.* No person shall knowingly deliver to any person and no person shall accept delivery of any quantity of pig lead if the total inventory of pig lead in the hands of the person accepting delivery is, or by virtue of the acceptance will become, in excess of his reasonable anticipated requirements for permissible uses in the next 45 days (except where a minimum carload quantity requested by Office of Defense Transportation exceeds these restrictions). The restrictions of this paragraph do not apply to a refiner, dealer, or scrap dealer.

(g) [Deleted May 1, 1945]

(h) *Restrictions on sales and deliveries of lead.* No person shall sell or deliver any lead to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(i) *Appeals.* Any appeal from the restrictions of this order must be by letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for the appeal, and filed with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. The appeal shall contain the following information:

(1) Product in which the lead will be used.

(2) Period of time, not exceeding one calendar quarter for which relief is requested.

(3) Monthly schedule of amount of lead to be used.

(4) Prime contract numbers on military orders.

(5) If the appeal is filed because the restrictions on use of lead will prevent the filling of non-military orders of extreme urgency, give exact information as to the use of the product in which the lead is used.

(6) Why other less critical materials cannot be used.

(7) Any other information pertinent to the appeal.

Attention is called to the requirement of Priorities Regulation No. 16 with respect to the statement of manpower requirements which must be submitted with any appeal.

(j) *Priorities Regulation No. 25.* Requests for exceptions from the restrictions of this order may not be made under the provisions of Priorities Regulation No. 25. The use of lead for production authorized under Priorities Regulation No. 25 prior to January 1, 1945, will be subject to the restrictions of this order.

(k) *Records.* All persons affected by this order must maintain accurate and complete records of all transactions as required by Priorities Regulation No. 1, 944.15. Such records must include complete statements of the amounts of lead consumed for the items specified in this order, and the amount of inventory on hand.

(l) *Required reports.* (1) On or before the 20th day of each calendar month each person who purchased or consumed 10 tons or more of lead during the preceding calendar month, or had in his possession or under his control 20 tons or more of lead, shall report such purchases, consumption and stocks on hand at the end of the preceding month to the War Production Board on Form WPB-95.

(2) The War Production Board may from time to time issue special directions requiring any refiner or dealer to file a report showing a schedule of his proposed deliveries of lead.

(3) All persons affected by this order shall execute and file with the War Production Board such other reports as may be required subject to the approval of the Bureau of the Budget.

(4) The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(m) *Violations.* Any person, who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(n) *Communications of the War Production Board.* All communications and reports dealing with this order shall be addressed to: War Production Board, Tin, Lead and Zinc Division, Washington 25, D. C., Ref. M-38

Issued this 1st day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST I

Pursuant to the foregoing order, lead and lead products may be used only for the following items and purposes subject to such qualifications on use as are set forth next to the item or purpose; and then only to the extent necessary to meet applicable specifications or for the proper service performance of the end product or where the use of any less critical material is impracticable or when satisfactory substitutes are prohibited in other War Production Board orders.

1. Ammunition for Military Orders.
2. Anchorages for military and industrial equipment and components, including expansion bolts and shields.
3. Anodes for electrolytic refining, chromium plating and for lead plating as permitted in Item 40 of this list.
4. Anti-vibration mats.
5. Babbitt for abrasives and grinding wheels and for securing hardware to radio insulators and for securing end connections of windings and/or for securing enclosures of wire wound restrictors.
6. Ballast for implements of war where available space does not permit the use of material of lower density, for submarines and for surface craft of sizes up to and including destroyers.
7. Bearing Metal.

8. Bolster metal for surgical, table and industrial cutlery.
9. Brake lining and clutch facings.
10. Brass and bronze.
11. Cable covering as permitted by Direction 63 of CMP Regulation #1.
12. Cable sleeving and other accessories necessary for the maintenance, repair and installation of lead covered cable.
13. Cable terminals and bushings for storage batteries as permitted by Orders L-1-e and L-158.
14. Cames.
15. Caulking of cast iron pipelines (including lead wool) where other material such as sulphur compounds or cement does not provide a leak proof joint.
16. Chemicals subject to the restrictions of Conservation Order M-384.
17. Closure Spouts for drugs and chemicals.
18. Coating of wire and zinc plated sheet, including sheathing.
19. Collapsible tubes, subject to the restrictions of Conservation Order M-115.
20. Counterweights, weights and sliding poises for Military, industrial and laboratory equipment, and implements of war where available space does not permit the use of material of lower density, other than automotive wheel balancing weights.
21. Foll:
 - (a) Military orders to the extent that Method IA (not dehydrated) and/or Method II (dehydrated) packaging, as presently defined in the U. S. Army Specification 100-14, U. S. Navy Specification 39-P-16 and British Standard Packaging Code BS-1133, or any new specifications covering the above are expressly specified in the prime contract.
 - (b) For component ammunition for military only.
 - (c) Electrotypes subject to the restrictions of Order M-43.
 - (d) Condensers.
 - (e) Cap Liners for packaging drugs.
 - (f) Electrostatic shielding of transformer coils and cores.
22. Fire extinguisher and decontaminator components.
23. Gaskets, locknuts and shims.
24. Heat equalization in galvanizing pots and for molten zinc operations.
25. Heat treating and annealing.
26. Implements of War, as defined in Section (b) (6) of the Order.
27. Impression lead.
28. Inserts for treads on non-sparking ladders and stairs.
29. Lead hammers.
30. Lead-headed nails only to the extent that the use of springhead or flathead nails is impracticable.
31. Fusible alloys.
32. Lead lined bowls for centrifugal oil purifiers.
33. Lead wire for determining gear bearing clearances.
34. Lining for acid lockers.
35. Lubricant for cold drawing of steel products.
36. Manufacture and moulding of plastics.
37. Medical, dental and veterinarian equipment and instruments.
38. Metallic and semi-metallic packing.
39. Patterns and dies.
40. Plating or coating where lead is used in place of either cadmium or tin, or where corrosion makes the use of any other material impracticable.
41. Powder for military uses, powder metallurgy and gear lubricants.
42. Production of rayon.
43. Refining of platinum group metals, gold and silver, and metallic sodium.
44. Repair of existing lead construction.
45. Seals for pilfering and tampering protections.
46. Sheath for curing process of rubber.
47. Sheet, pipe (including lead lined pipe), valves, fittings, burning bars and castings to be used.
 - (a) in chemical and processing equipment to the extent that corrosion makes the use of any other material impracticable.
 - (b) in water service lines to the extent that municipal, state or Federal regulations permit no substitutes or sound water works practice requires its use.
48. Sinkers for military requirements and commercial fishing.
49. Solder subject to the restrictions of Order M-43.
50. Sounding Leads.
51. Spectrographs and spectrophotometers.
52. Storage batteries (including lead content of oxide) and cell covers for Military Orders.
53. Storage batteries (including lead content of oxide) and cell covers of Industrial type, to the extent of 50% per calendar quarter of the amount of lead used for the same purpose during the first six months of 1944.

(An Industrial storage battery means an electric storage battery of other than SLI type which has been completely assembled and sealed whether charged or uncharged and which is designed and built for industrial applications such as, but not confined to, railway signalling and lighting, mine locomotives and industrial trucks, farm lighting, public utilities stand-by equipment, commercial radio installations, airplane and commercial boat installations and components thereof.)
54. Storage batteries (including lead content of oxide) and cell covers for original equipment of vehicles governed by Order L-1-e, Order L-257, Order L-53, Order L-101, Order L-43, and Order L-192.
55. Storage batteries (including lead content of oxide) and cell covers for automotive SLI type, for replacement purposes to the extent of 40% per calendar quarter of the amount of lead used for the same purpose during the first six months of 1944.
56. Terne plate and Terne metal subject to restrictions of Conservation Order M-43.
57. Tetra ethyl subject to the restrictions of PAW directives.
58. Turbine and gear bearing oil deflectors.
59. Turbine gland labyrinth and diaphragm packing.
60. Type metal for use in printing trade.
61. Vocational purposes where lead is re-used and in laboratories for analytical purposes and research.
62. X-ray purposes and Radiography.
63. Zinc production.
64. For use to comply with safety regulations issued under Government authority which requires the use of lead to the extent employed, or in safety equipment.

[F. R. Doc. 45-7086; Filed, May 1, 1945; 11:44 a. m.]

PART 3225—CALCIUM METAL

[Conservation Order M-303, Revocation]

Section 3225.1 *Conservation Order M-303* and all authorizations and directions issued under that section, are hereby revoked. This revocation does not affect any liabilities incurred thereunder.

Issued this 2d day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-7160; Filed, May 2, 1945; 11:13 a. m.]

PART 3278—SALVAGE

[Conservation Order M-325, Direction 2]

SEGREGATED PREPARED USED TIN CANS

The following direction is issued pursuant to Conservation Order M-325:

Paragraph (d) (2) of Order M-325 provides in part that "no refuse collector shall, anywhere within the continental limits of the United States, reject any segregated prepared used tin cans offered him in the usual course of his collection of refuse". This direction permits a refuse collector to refuse to collect segregated prepared used tin cans in any locality in which the WPB Official Salvage Committee has prescribed another method of collecting such cans, such as a periodic door-to-door collection by a designated organization, or a plea to the public to bring such cans to central disposal places in the locality. However, where no other official method of collection of segregated prepared used tin cans is prescribed in a locality, a refuse collector must accept in such locality any segregated prepared used tin cans offered him in the usual course of his collection of refuse.

Furthermore, as also prescribed by paragraph (d) (2) of Order M-325, no refuse collector may mingle with any other refuse (regardless of whether some different approved method of collecting cans exists in the locality) any segregated prepared used tin cans which he collects.

Issued this 2d day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-7162; Filed, May 2, 1945; 11:13 a. m.]

PART 3289—RADIO AND RADAR

[Limitation Order L-151, Revocation]

DOMESTIC WATTHOUR METERS

Section 3289.11 *General Limitation Order L-151* is hereby revoked. This revocation does not affect any liabilities incurred under the order. The manufacture and delivery of domestic watthour meters remain subject to all other applicable orders and regulations of the War Production Board.

Issued this 1st day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-7145; Filed, May 1, 1945; 5:01 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-73, Direction 3, as Amended May 2, 1945]

PRODUCTION AND USE OF WOOL TOP AND YARN

The following amended direction is issued pursuant to General Conservation Order M-73:

1. Between April 30, 1945 and July 14, 1945, no person shall produce wool top in grades finer than 44's or kid mohair top except to fill orders bearing a rating of AA-3 or higher. Between April 30, 1945 and July 14, 1945, no person shall produce wool top in grades 44's and lower to fill rated orders, or orders bearing a certification as provided by paragraph (g) of General Preference Order M-388.

2. Between April 30, 1945 and August 18, 1945, no person shall put into process any wool top in grades finer than 44's or top made from kid mohair except to produce yarn to fill orders bearing a rating of AA-3 or higher. Between April 30, 1945 and August 18, 1945, no person shall put into process any wool top in grades 44's and lower except to produce yarn to fill rated orders, or orders bearing a certification as provided by paragraph (g) of General Preference Order M-388.

3. [Deleted May 2, 1945]

4. In this direction "wool top" means combed sliver containing wool from the fleece of the sheep or lamb, or wool waste, commonly known as wool top or worsted top, and includes combed wool backing and open, broken or cut wool top, and top made of comparable animal fibers; "yarn" means yarn containing any wool top or kid mohair top; calculations shall be in pounds.

5. If in a particular case an applicant establishes that his facilities cannot be used to fill available rated orders, or orders bearing a certification as provided by paragraph (g) of General Preference Order M-388, the War Production Board will authorize the applicant to fill unrated orders for a period extending up to thirty days from the initial dates of the restrictions, unless extended on a future showing that rated orders, or orders bearing a certification as provided by paragraph (g) of General Preference Order M-388 are still unavailable.

The full restrictions of Direction 3 shall be applicable except to the extent they are modified by a written authorization.

Applications should be filed in duplicate by letter with the War Production Board, Wool, Cordage and Textile Machinery Division, Washington 25, D. C., Ref: M-73, Direction 3.

Issued this 2d day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-7155; Filed, May 2, 1945;
11:12 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-317, Direction 7, as Amended May 2, 1945]

PRIORITIES ASSISTANCE FOR COTTON PIECE GOODS FOR DIRECT BUYING WHOLESALERS AND RETAILERS WHO ARE IN A POSITION TO SERVE SMALL TOWNS AND RURAL AREAS

The following amended direction is issued pursuant to General Conservation Order M-317:

(a) Wholesalers and retailers who buy directly from textile mills or converters and who are in a position to serve small towns and rural areas may apply on Form WPB-4157

for priorities assistance to buy the kinds of cotton piece goods described in this direction.

(b) The following kinds of cotton piece goods are now available in limited quantities: pongee, voile, class C sheeting 42" and wider, print cloths (percale) in counts of 68 x 64 and 64x 56, plissé (crinkled crepe) in 60 x 48, outing flannel, and gingham lighter than 4.00 yards.

(c) Applications for assistance to get some of the goods that are now available must be filed with the nearest War Production Board field office not later than May 14, 1945.

(d) The purpose of this program is to make more cotton piece goods available to persons who live in small towns and rural areas and who buy these goods over-the-counter from retailers for use in making garments in the home. Therefore, the only applications that will be considered will be those from wholesalers who customarily buy these goods directly from textile mills or converters and resell to retailers in small towns and rural areas, and from the retailers themselves in the small towns and rural areas who also customarily buy directly from textile mills or converters. Because of the very limited supply of the goods, applications from these eligible wholesalers and retailers may be granted only where it appears that the applicant's 1944 receipts of cotton piece goods have been less than 30% of 1942 receipts and the consumer needs of the community or area served by the applicant have not decreased, or where the consumer needs of the community or area have greatly increased. Applications that meet this test will generally be granted on a pro rata basis, based on the applicant's receipts of the goods in 1942 and his receipts into stock in 1944 and 1945, including unfilled rated orders. A person who has not been in a business handling cotton piece goods long enough to give this information, or who is just entering business, may, if he buys or plans to buy directly from a textile mill or converter, apply for priorities assistance and his application will be processed on an equitable basis.

(e) Orders shall be placed and preference ratings assigned under this direction shall be applied and extended in the manner provided in Priorities Regulations 1 and 3. The following certification shall be placed on all orders on which the rating is used:

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference rating indicated opposite the items shown on this order, and that such application or extension is in accordance with Priorities Regulation 3 as amended, with the terms of which the undersigned is familiar.

This rating has been assigned under Form WPB-4157, Serial No. — (Insert the serial number).

(Name of purchaser)

(Address)

By -----
(Signature and title of
duly authorized officer)

(Date)

When the above is complied with, the requirements of M-317 and M-328 are met, and it is unnecessary to use any other notation.

Issued this 2d day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-7161; Filed, May 2, 1945;
11:12 a. m.]

PART 3293—CHEMICALS

[Conservation Order M-53, Revocation]

PRINTING INK

Section 3293.86 *Conservation Order M-53* and all authorizations and directions issued under that section, are hereby revoked. This revocation does not affect any liabilities incurred thereunder.

Issued this 2d day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-7154; Filed, May 2, 1945;
11:12 a. m.]

PART 3293—CHEMICALS

[General Preference Order M-154, Revocation]

NITRO-CELLULOSE

Section 3293.186 *General Preference Order M-154* and all authorizations and directions issued under that section, are hereby revoked. This revocation does not affect any liabilities incurred thereunder.

Issued this 2d day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-7156; Filed, May 2, 1945;
11:12 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 61, as Amended May 2, 1945]

PHOSPHATE PLASTICIZERS

§ 3293.1061 *Schedule 61 to General Allocation Order M-300*—(a) *Definition*. "Phosphate plasticizers" means the following phosphate plasticizers in any form and from whatever source derived:

Tricresyl phosphate
Triphenyl phosphate
Di-phenyl mono-(ortho xenyl) phosphate
Di-(ortho xenyl) mono-phenyl phosphate

(b) *General restrictions*. Phosphate plasticizers are subject to allocation under General Allocation Order M-300 as an Appendix A material. The initial allocation date for tricresyl and triphenyl phosphate is August 1, 1942, and for di-phenyl mono-(ortho xenyl) phosphate and di-(ortho xenyl) mono-phenyl phosphate is June 1, 1943, when these phosphate plasticizers were first put under allocation by Order M-183 (revoked). The allocation period is the calendar month. The small order exemption per person per month is 5 gallons of each phosphate plasticizer listed above.

(c) [Revoked May 2, 1945].

(d) *Suppliers' applications on WPB-2946.* Each supplier seeking authorization to deliver shall file application on Form WPB-2946 (formerly PD-601). Filing date is the 22d day of the month before the requested allocation month. File separate sets of forms for each phosphate plasticizer. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-61. The unit of measure is pounds. An aggregate quantity may be requested, without specifying customers' names, for delivery on exempt small orders. Fill in Table II.

(e) *Customers' applications on Form WPB-2945.* Each person seeking authorization to use or accept delivery shall file application on Form WPB-2945 (formerly PD-600). Filing date is the 17th day of the month before the requested allocation month. File separate sets of forms for each supplier and for each phosphate plasticizer. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-61, and one copy (reverse side blank) to the supplier. The unit of measure is pounds. Fill in Column 3 in terms of the following:

Wire and cable insulation
A. I. E. E.—45
Aircraft—ANJC-48 a
Assault wire—W-130 ()
British shipboard
C. A. A. Border lights
Coaxial
Combat wire WD-1/TT
Field wire—WD-12/TT
F. X. S.—599
Navy shipboard cable—15 C 1
Ordnance tank wire—90-12
P. O. S. N.
P. S. N.
Railway signal wire
Radio—JAN-76
Shot fire
S. J. S. N.
S. N.
S. N. W.
Telephone and telegraph wire
Tubing
71-700 cord
Others (Identify)
Textile coatings
Airplane dope
Wire and cable lacquer
Other lacquers
Paper coatings
Molding compounds
Photographic film
Chemical resistant coatings
Oil additive
Motor fuel additive
Inks
Adhesives
Artificial leather
Rubber (natural or synthetic)
Sheet plastic
Lubricants
Miscellaneous (specify)
Resale (in original form)
Export (in original form)
Inventory (in original form)

Opposite each primary product in Column 3 specify end use in Column 4, giving Army or Navy specifications or contract numbers, or Lend-Lease requisition and contract numbers, when practicable, regardless of whether the primary product is under allocation. Opposite "Re-

sale," "Export" or "Inventory" in Column 3, fill in Column 4 in accordance with paragraph (11-a) of Appendix E of Order M-300. Fill in other columns of Table I, and fill in Tables II and III, as indicated. Leave Tables IV and V blank.

(f) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Communications to War Production Board.* Communications concerning this schedule shall be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-61.

Issued this 2d day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-7157; Filed, May 2, 1945;
11:13 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 63 as Amended May 2, 1945]

PHTHALATE PLASTICIZERS

§ 3293.1063 *Schedule 63 to General Allocation Order M-300—(a) Definition.* "Phthalate plasticizers" means the following esters of phthalic acid:

Dimethyl phthalate
Diethyl phthalate
Dibutyl phthalate
Diamyl phthalate
Dicapryl phthalate
Dicarbitol phthalate
Di-methoxy ethyl phthalate
Di-ethoxy ethyl phthalate
Di-butoxy ethyl phthalate
Di-cyclohexyl phthalate
Di-methylcyclohexyl phthalate
Castor oil phthalate
Hydrogenated castor oil phthalate
Di 2-ethyl hexyl phthalate
Ethyl phthalyl ethyl glycolate
Butyl phthalyl butyl glycolate
Methyl phthalyl ethyl glycolate

(b) *General restrictions.* Phthalate plasticizers are subject to allocation under General Allocation Order M-300 as an Appendix A material. The initial allocation date was September 1, 1942, when phthalate plasticizers were first put under allocation by Order M-203 (revoked), except that for dicarbitol phthalate the initial allocation date is June 1, 1945. The allocation period is the calendar month. The small order exemption per person per month is 5 gallons of each phthalate plasticizer listed above.

(c) [Revoked May 2, 1945].

(d) *Suppliers' applications on WPB-2946.* Each supplier seeking authorization to deliver shall file application on Form WPB-2946 (formerly PD-601). Filing date is the 22d day of the month before the requested allocation month. File separate sets of forms for each phthalate plasticizer. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-63. The unit of measure is pounds. An aggregate quantity may be requested, without specifying customers' names, for delivery on exempt small orders. Fill in Table II.

(e) *Customers' applications on Form WPB-2945.* Each person seeking authorization to use or accept delivery shall file application on Form WPB-2945 (formerly PD-600). Filing date is the 17th day of the month before the requested allocation month. File separate sets of forms for each supplier and for each phthalate plasticizer. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-63, and one copy (reverse side blank) to the supplier. The unit of measure is pounds. Fill in Column 3 in terms of the following:

Adhesives
Airplane dope
Artificial leather
Cellophane
Cellulose acetate plastics
Cellulose acetate-butyrate plastics
Chemical resistant coatings
Denatured alcohol
Electric wire or cable
A. I. E. E.—45
Aircraft—ANJC-48 a
Assault wire—W-130 ()
British shipboard
C. A. A. Border lights
Coaxial
Combat wire WD-1/TT
Field wire—WD-12/TT
F. X. S.—599
Navy shipboard cable—15 C 1
Ordnance tank wire—90-12
P. O. S. N.
P. S. N.
Railway signal wire
Radio—JAN-76
Shot fire
S. J. S. N.
S. N.
S. N. W.
Telephone and telegraph wire
Tubing
71-700 cord
Others (Identify)
Electric insulation other than wire or cable
Ethyl cellulose plastics
Inks
Lacquers and enamels
Laminated glass
Linoleum
Motor fuel additives
Nitrocellulose plastics
Oil additives
Paper coatings
Photographic films
Rubber—natural
Rubber—synthetic
Synthetic yarns and textiles
Textile coatings
Vinyl acetate and acetal plastics
Miscellaneous (Identify)
Resale (in original form)
Export (in original form)
Inventory (in original form)

Opposite each primary product in Column 3 specify end use in Column 4, giving Army and Navy specification or contract numbers, or Lend-Lease requisition and contract numbers when practicable, regardless of whether the primary product is under allocation. Opposite "Resale", "Export" or "Inventory" in Column 3, fill in Column 4 in accordance with paragraph (11-a) of Appendix E of Order M-300. Fill in other columns of Table I, and fill in Tables II and III, as indicated. Leave Tables IV and V blank.

(f) *Budget Bureau approval.* The above reporting requirements have been

approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Communications to War Production Board.* Communications concerning this schedule shall be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-63.

Issued this 2d day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-7158; Filed, May 2, 1945;
11:13 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 95 as Amended May 2, 1945]

PERCHLORETHYLENE

§ 3293.1095 *Schedule 95 to General Allocation Order M-300—(a) Definitions.* For the purpose of this schedule:

(1) "Perchloroethylene", sometimes known as tetrachloroethylene, means the chemical $\text{CCl}_2\text{-CCl}_2$.

(2) "Drum" means a container with a capacity of approximately 52 gallons (700 pounds of perchloroethylene).

(b) *General provisions.* Perchloroethylene is subject to the provisions of General Allocation Order M-300 as an Appendix B material. The initial allocation date is March 1, 1944, when perchloroethylene first became subject to allocation under Order M-371 (revoked). The allocation period is the calendar month. The small order exemption without use certificate per person per month is any less-drum quantity totaling less than 700 pounds.

(c) [Revoked May 2, 1945.]

(d) *Suppliers' applications on WPB-2947.* Each supplier seeking authorization to use or deliver perchloroethylene shall file application on Form WPB-2947 (formerly PD-602). File separate sets of forms for dry cleaning requests in accordance with paragraph (f) of this schedule. Filing date is the 15th day of the month before the proposed delivery month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-95. The unit of measure is pounds. Leave grade space blank. Fill in Table I as follows: First, in Column 1 list customers ordering 3,500 pounds (5 drums) or more for delivery during the next month, in Column 1-a enter each use stated in the certificate filed by each customer, and in Column 4 specify quantity ordered by each customer for each use; second, specify in Column 1 "From 700-3,500 pound orders" (one drum or more, but less than 5 drums) without specifying customers' names, in Column 1-a group the end uses stated in the certificate filed with these orders, and in Column 4 specify the aggregate quantity ordered for each use; third, in Column 1 specify "Less than one drum orders" without specifying customers' names, in Column 1-a group the end uses for which the supplier believes the perchloroethylene is or will be ordered, and in Column

4 specify the aggregate quantity ordered or expected to be ordered for each use. Fill in the other columns as indicated. If the applicant supplier is seeking authorization to use any part of his own production or stock of perchloroethylene, he shall apply as if the consuming part of his organization were ordering from the production or distribution part of his organization. Fill in Table II.

(e) *Certified statements of use.* Each person placing orders for delivery of one drum (or 700 pounds) or more of perchloroethylene per month in the aggregate from all suppliers, shall furnish each supplier with a certified statement of proposed use, in the form prescribed in Appendix D of Order M-300. Specify proposed use as follows:

(1) *Primary product.* Primary product should be specified in terms of the following examples:

Vapor degreasing solvent.
Liquid degreasing solvent (specify whether used hot or cold).
Fire extinguisher fluid.
"Freon."
Hexachlorethane.
Solvent extractant.
Spotting and cleaning fluid.
Commercial dry cleaning.
Drugs and pharmaceuticals (specify).
Other product (specify).

(2) *Product end use.* End use should be specified to indicate the disposition of each primary product, such as civilian, industrial (specify general use, such as munitions, auto servicing, etc.), food processing or laboratory use. In the case of industrial uses specify, percentage required for Army, Navy, Maritime Commission and Lend-Lease purposes, respectively. Where the product is to be delivered directly to the Armed Services, or for Export, or on Lend-Lease, specify "Armed Services" or "Export" or "Lend-Lease," as the end use, without further end use description except contract, specification, export license or UNRRA requisition numbers.

(3) *Perchloroethylene requested for re-delivery.* Proposed use may also be specified as "for resale on further authorization", "for resale on exempt orders of less than a drum", or "for export" (specify destination and export license or UNRRA requisition number).

(f) *Quarterly report on stocks and consumption.* Each person who orders 21,000 or more pounds of perchloroethylene for delivery during the second quarter of 1945, and each person who orders 10,500 or more pounds for delivery during any subsequent quarter, will file with the War Production Board a stock and consumption report on Form WPB-3442 for that quarter, in accordance with the following instructions:

(1) *Form WPB-3442.* Copies may be obtained at local field offices of the War Production Board.

(2) *Time of filing.* The report shall be filed in time to reach the War Production Board in Washington on or before the 15th of the month following the quarter reported.

(3) *Number of copies.* Two copies shall be prepared, of which one shall be

retained by the person reporting and one shall be forwarded to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-95.

(4) *Heading.* In space 1, specify perchloroethylene; in space 2, specify pounds; in space 3, specify M-300-95; and fill in the other spaces in the heading as indicated.

(5) *Section I.* In Column (a) enter end use. Leave Column (b) blank. In the headings of Columns (c), (d) and (e) enter each month of the quarter reported on, with the first month in Column (c). In each column enter total pounds of perchloroethylene consumed for each end use entered in Column (a). Leave Columns (f) and (g) blank.

(6) *Section II.* In the heading of Column (b) specify the last day of the quarter reported. In Column (b) specify stocks on hand in pounds of perchloroethylene. Leave Columns (a), (c) and (d) blank.

NOTE: Paragraphs (g), (h), (i) and (j), formerly (f), (g), (h) and (i) redesignated May 2, 1945.

(g) *Suppliers' applications on WPB-2947 for commercial dry-cleaning deliveries.* Each supplier seeking authorization to deliver perchloroethylene for commercial dry cleaning purposes shall file application on a separate set of WPB-2947 forms. Filing date is the 15th day of the month before the proposed delivery month. Send four copies (one certified) to the War Production Board, Service Trades Division, Washington 25, D. C., Ref: M-300-95 (commercial dry cleaning). On the upper right hand corner of the form write in "commercial dry cleaning delivery". The unit of measure is pounds. Leave grade space blank. In Table I list in Column 1 the name and address of each customer who has ordered a drum or more of perchloroethylene for delivery during the next month for commercial dry cleaning purposes. Fill in the rest of Table I as indicated and leave Table II blank.

(h) *Commercial dry-cleaning one-time reports.* (1) Each commercial dry-cleaner seeking delivery of a drum or more of perchloroethylene from any supplier during April, 1945, shall file a one-time report not later than March 15, 1945, on Form WPB-4009 with the War Production Board, Service Trades Division, Washington 25, D. C. If the first month for which a commercial dry-cleaner seeks delivery of perchloroethylene is after April, 1945, he shall file the one-time WPB-4009 report not later than 15 days prior to the requested delivery month. This report need not be refilled after it has been filed once under this schedule or under Schedule 78 (carbon tetrachloride) or Schedule 94 (trichloroethylene).

(2) This report is necessary for the Service Trades Division to support its recommendation for allocation to the Chemicals Bureau.

(i) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget

in accordance with the Federal Reports Act of 1942.

(j) *Communications to War Production Board.* Reports and communications concerning this schedule shall be addressed as follows:

(1) In the case of commercial dry-cleaning communications, to the War Production Board, Service Trades Division, Washington 25, D. C., Ref: M-300-95 (commercial dry-cleaning).

(2) In the case of all other communications, to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-95.

Issued this 2d day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-7159; Filed, May 2, 1945;
11:13 a. m.]

Chapter XI—Office of Price Administration PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 5C]

MILEAGE RATIONING: GASOLINE REGULATIONS

Ration Order 5C and Amendments 1 through 185 are compiled and reissued as Revised Ration Order 5C, to read as follows:

Pursuant to the authority vested in me by War Production Board Directive No. 1, issued January 24, 1942, and by Supplementary Directive No. 1Q issued November 6, 1942.

It is hereby ordered, That:

SCOPE OF REVISED RATION ORDER 5C

- Sec.
1394.7501 Territorial limitations.
1394.7502 Scope of restrictions.
1394.7503 Effect of this order on outstanding rations.
1394.7504 Effect on other ration orders.

DEFINITIONS

- 1394.7551 Definitions.

ADMINISTRATION, PERSONNEL AND JURISDICTION

- 1394.7601 Personnel.
1394.7602 Jurisdiction of Boards over issuance of rations.
1394.7603 Action on applications.
1394.7604 Records of applications.

BASIC RATIONS

- 1394.7651 Basic rations.
1394.7652 Basic ration books.
1394.7653 Application for and issuance of basic rations.

SUPPLEMENTAL RATIONS

- 1394.7701 Supplemental rations.
1394.7702 Passenger automobiles or motorcycles for which supplemental rations may not be issued.
1394.7703 Application for supplemental rations.
1394.7704 Allowance of mileage.
1394.7705 Issuance of supplemental rations.
1394.7706 Preferred mileage.
1394.7707 Additional mileage allowances.
1394.7708 Semi-preferred mileage.

OFFICIAL AND FLEET RATIONS FOR OFFICIAL AND FLEET PASSENGER AUTOMOBILES AND MOTORCYCLES

- 1394.7751 Official and fleet rations for passenger automobiles and motorcycles.

- Sec.
1394.7752 Persons entitled to official and fleet rations.
1394.7753 Application for official and fleet rations.
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1394.7756 Interchangeable official or fleet rations.
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- 1394.7801 Transport rations.
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1394.7805 Allowance and issuance of transport rations.
1394.7806 Transport ration for equipment mounted on commercial motor vehicles.
1394.7807 Interchangeable transport rations.

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1394.7853 Special ration for furlough travel by member of the armed forces.
1394.7854 Special ration for furlough travel by member of the U. S. Merchant Marine.
1394.7855 Special rations for Canadian registered vehicles: non-occupational mileage.
1394.7856 Special rations for Canadian registered vehicles: occupational mileage.

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1394.7902 Non-highway ration coupons.
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ISSUANCE OF RATION EVIDENCES AND ACKNOWLEDGMENTS OF DELIVERY BY THE OFFICE OF PRICE ADMINISTRATION, WASHINGTON, D. C.

- 1394.7951 Issuance of ration evidences for secret governmental work.
1394.7952 Acknowledgments of delivery and military receipts.

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1394.8002 Presentation of registration card.
1394.8003 Notation on registration cards.
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1394.8008 Disposition of lost coupon books.
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1394.8011 Denial of rations.
1394.8013 Consumer declaration of gasoline on hand.
1394.8014 Issuance of rations notwithstanding ownership of excess tires.
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¹ F. R. 9135.

- Sec.
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Revised Supplement No. 1

AUTHORITY: §§ 1394.7501 to 1394.8381, inclusive, issued under Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong., Pub. Law 509, 78th Cong.; WPB Directive No. 1, 7 F.R. 562; Supp. Directive 1Q, 7 F.R. 9121, 8 F.R. 9492, 9868, E.O. 9125, 7 F.R. 2719.

SCOPE OF REVISED RATION ORDER NO. 5C

§ 1394.7501 *Territorial limitations.* Except as otherwise expressly provided all of the provisions of this order shall apply to the entire area included within the continental limits of the United States.

§ 1394.7502 *Scope of restrictions.* Nothing in this order shall be construed to:

(a) Limit the quantity of gasoline which may be acquired by or for the account of the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration, or Maritime Commission of the United States.

(b) Limit the quantity of gasoline which may be acquired by any person, for export to and consumption or use in any foreign country.

(c) Affect or apply to any transfer of gasoline between the agencies named in paragraph (a) hereof.

§ 1394.7503 *Effect of this order on outstanding rations.* (a) Except as provided in paragraph (b) of this section and § 1394.8180 no provision of this order shall affect the validity or valid period of any ration issued pursuant to Ration Order 5C: Except, that, after May 4, 1945, no ration issued pursuant to Ration Order 5C shall be renewed except pursuant to the provisions of this order.

(b) No ration issued pursuant to Ration Order 5C may be used for a purpose prohibited by the provisions of Ration Order 5C or this order. All rations issued pursuant to Ration Order 5C shall be subject to modification, revocation and redetermination pursuant to the provisions of this order.

§ 1394.7504 *Effect on other ration orders.* No allotment of gasoline issued pursuant to this order for use with a motor vehicle shall be construed to authorize such use where it would be in violation of Ration Order No. 1A² or Ration Order No. 2B² or any other automobile rationing regulation or to remove or avoid any disqualification of such vehicle under such ration orders or regulations.

DEFINITIONS

§ 1394.7551 *Definitions.* (a) When used in this order:

(1) "Aviation gasoline" means gasoline controlled by Regulation No. 534 of the Administrator of Civil Aeronautics.⁴

(1a) "Board" means a War Price and Rationing Board established by the Office of Price Administration, or a Plant Area Board or other Board established by the Office of Price Administration and designated by such Office to serve the workers in specified plants or establishments. Action by a Plant Area Panel is deemed to be action by a Board.

(3) "Bulk transfer" means any transfer of gasoline other than: (i) into the

² 8 F.R. 9752, 1079, 10085, 10264, 10430, 10733, 11480, 11481, 11952, 11846, 12013, 12711, 13247, 13293, 13372, 13845, 13706, 13846, 13395, 14049, 14737, 15523, 16245, 16246, 16695, 16894, 17326; 9 F.R. 89, 692, 1317, 1396, 1710, 1817, 2476, 2790, 3340, 4132, 4224, 4236, 4610, 5865.

⁴ 8 F.R. 2483, 5317, 5531, 5678, 7197, 8008, 10727, 10085, 12559, 16843; 9 F.R. 2298, 6880, 7578, 8814, 11539, 13005; 10 F.R. 843.

⁴ 9 F.R. 11732.

fuel tank of a registered or commercial motor vehicle, a motor vehicle held by a motor vehicle dealer for sale or resale, a motor vehicle operated on dealer or other interchangeable license plates; or (ii) into the fuel supply tank of machinery or equipment mounted on a commercial motor vehicle; or (iii) into the tank of an aircraft or aircraft engine test stand.

(4) "Certificate of War Necessity" or "certificate" means a certificate issued by the Office of Defense Transportation pursuant to General Order ODT No. 21 or 21A.

(5) "Commercial motor vehicle" means (i) a straight truck; a combination truck-tractor and semi-trailer, a combination truck-tractor and full trailer, or a combination truck-tractor, semi-trailer and full trailer; or any other rubber-tired motor vehicle (other than a motorcycle) built (or rebuilt) primarily for the purpose of transporting property on the highways; and (ii) any of the following motor vehicles used in the transportation of persons upon the highways: any bus; any ambulance or hearse; any taxicab or jitney; any motor vehicle (other than a motorcycle) available for public rental; any station wagon or suburban carry-all available for hire or public rental; and any other motor vehicle other than a passenger automobile or motorcycle.

(6) "Consumer" means any person acquiring gasoline for use, including use as a component part of any manufactured article, material, or compound other than gasoline. The term includes dealers and distributors to the extent that they use gasoline, or acquire gasoline for use rather than for transfer.

(7) "Dealer" means any person, except a distributor, who operates a service station, filling station, garage, store, or other place of business at which gasoline is transferred directly to consumers in the regular course of business. The term includes Post Exchanges and Ships' Service Stores, and any person, other than a distributor, operating a tank truck or tank wagon for transfer of gasoline directly to consumers, who does not also maintain stationary gasoline storage tanks. All such persons shall be deemed to be dealers as to each such place of business. A person is not a dealer with respect to storage facilities he has as a retail vendor or bulk consumer of aviation gasoline.

(8) "Distributor" means an intermediate distributor, a licensed distributor, or both.

(9) "Equipment," when used in § 1394.8172, means any conveyance, other than a motor vehicle, which is designed for and capable of operation on one or more wheels and any machinery in the operation of which wheels, with mounted tires, are used.

(10) "Evidence" means a token authorized by the Office of Price Administration to represent a right to receive a transfer of gasoline and exchangeable for such gasoline. The term shall include coupons, checks, acknowledgments of delivery, gasoline purchase permits, export certificates on Form OPA R-560 and military receipts on Form OPA R-593.

(11) "Fleet," as applied to a passenger automobile or motorcycle, means that such vehicle is one of three or more passenger automobiles or three or more motorcycles owned or leased by and used by the same person or organization principally in connection with the same or related occupations, or, as applied to a commercial motor vehicle, that such vehicle is one of the three or more commercial vehicles owned or operated by the same person.

(12) (i) "Gasoline" includes any petroleum product that:

(a) Is commonly known or sold as gasoline (including casinghead and natural gasoline); or

(b) Has a flashpoint below 100° Fahrenheit (closed cup test, ASTM D-56-36); or

(c) Is used or blended for use as fuel in an internal combustion engine.

(ii) However, the term does not include naphthas, aromatics, synthetic rubber raw materials, solvents, or specialties except: (a) when used or blended for use as fuel in an internal combustion engine; or (b) under the circumstances set forth in §§ 1394.8365, 1394.8366, and 1394.8367 of this order.

(iii) Moreover, the term does not, in any event, include any of the following:

(a) Fuel oil as defined in Revised Ration Order No. 11 or

(b) A petroleum product having an octane rating of 86 or more (ASTM D-357-42T), not used or blended for use as fuel for a motor vehicle; or

(c) Liquefied petroleum gases, regardless of use.

(13) "Inboard motorboat" means any self-propelled water craft the motive power for which is furnished by a gasoline-operated internal combustion engine other than an outboard motor.

(14) "Intermediate distributor" means any person, other than a licensed distributor, who is engaged in the business of transferring gasoline for resale. Any such person shall be deemed to be an intermediate distributor as to each place at which such business is carried on. A person is not an intermediate distributor with respect to the storage facilities he has as a retail vendor or bulk consumer of aviation gasoline.

(15) "Issuing Board" means the Board which issued a particular gasoline ration.

(17) (i) "Licensed distributor" means:

(a) Any person who receives, transfers or uses gasoline in such manner as to be required to account for the State motor fuel taxes imposed thereon directly to the motor fuel tax administration of a State. He is a licensed distributor only in that State. The term includes all persons licensed or bonded by the State for this purpose.

(b) The person who produces rationed naphtha covered by § 1394.8365 in a State in PAW District No. 2 or the first person, in point of time, who has possession (other than as a common or contract carrier) of such naphtha in a State in PAW District No. 2. If he is a licensed distributor in a State under sub-divisions (i) (a) and (b) he is considered a single

licensed distributor in that State for his operations under both sub-divisions. Otherwise, he is a licensed distributor only for his operations in such naphtha.

The term includes all facilities of a licensed distributor as defined in § 1394.7551 (a) (56).

(ii) However, the term does not include any of the following:

(a) The Army, Navy, Marine Corps, Coast Guard, Maritime Commission, War Shipping Administration, or any military or naval activity such as Post Exchanges and Ships' Service Stores.

(b) Any person authorized or directed by the Office of Price Administration, Washington, D. C., to operate as a consumer, dealer or intermediate distributor. The Office of Price Administration, Washington, D. C., may authorize or direct a person to operate as:

(1) A consumer in the licensing or bonding State if all gasoline acquired by him is for his own use and he does not produce, sell or transfer any of that gasoline.

(2) A dealer or intermediate distributor if he does not import or produce any gasoline in that State.

(c) Any person who would be a licensed distributor in a State under sub-division (i) (b) but who is not licensed or bonded in that State and does not produce, sell, or transfer any gasoline.

(d) A person is not a licensed distributor with respect to the storage facilities he has as a retail vendor or bulk consumer of aviation gasoline.

(18) "Limitation area" means the entire eastern part of the continental United States up to and including all of the counties of Niagara, Erie, Wyoming, Livingston and Steuben in the State of New York; Tioga, Lycoming, Clinton, Centre, Blair, and Bedford in the State of Pennsylvania; Allegany in the State of Maryland; Mineral, Grant, and Pendleton in the State of West Virginia; Highland, Bath, Alleghany, Craig, Giles, Pulaski, Wythe, and Grayson in the State of Virginia; Ashe, Watauga, Avery, Mitchell, Yancey, Madison, Haywood, Swain, Graham and Cherokee in the State of North Carolina; Fannin, Murray, Whitfield, Catoosa, Dade, Walker, Chattooga, Floyd, Polk, Haralson, Carroll, Heard, Troup, Harris, Muscogee, Chattahoochee, Stewart, Quitman, Clay, Early, Seminole, and Decatur in the State of Georgia; and Gadsden, Liberty and that part of Franklin which lies east of the Apalachicola River in the State of Florida: *Provided*, That if part of an incorporated or unincorporated city, town or village is located within the limitation area, all of such city, town or village shall be deemed to be within such area.

(19) "Motorcycle" means any motor vehicle designed for highway operation on three wheels or less, but does not include tractors.

(20) "Motorcycle tire" means any tire designed primarily for use on a motorcycle and in no event larger than 4.50-18.

(21) "Motor vehicle" means any rubber-tired, self-propelled conveyance the motive power for which is furnished by an internal-combustion engine designed for operation by gasoline and which is built primarily for the purpose of transporting persons or property.

(22) "Motor vehicle dealer" means any person regularly engaged in the business of selling or reselling motor vehicles and includes persons engaged in selling repossessed motor vehicles.

(23) "Motor vehicle rental agency" means any person engaged in the business of leasing motor vehicles to others.

(24) "Mounted," as applied to a tire, means that such tire is held for use on a motor vehicle or equipment, whether or not physically mounted but not in excess of one tire for each wheel and one spare for each motor vehicle.

(25) "Non-highway use" means any use of gasoline other than (i) for the propulsion of a registered motor vehicle, a commercial motor vehicle, a motor vehicle held by a motor vehicle dealer for sale or resale, a motor vehicle operated on dealer or other interchangeable license plates, or (ii) for the operation of machinery or equipment mounted on a commercial motor vehicle, or (iii) in an aircraft engine or aircraft engine test stand.

(26) "Occupation" means business; gainful work; pursuit of a course of study in an elementary school, high school, college, university or vocational school; and uncompensated work regularly performed which falls within any of the following categories:

(i) Work regularly performed under the authority and supervision of a bona fide non-profit agency which performs one or more of the following activities (provided that such work is necessary to the carrying out of such activities); investigation of the necessity for relief or administration of relief; arranging for the placement of minors or aged, handicapped or indigent persons in foster homes or in institutions, and for the inspection of such foster homes or institutions; investigation of reported abuse, neglect, or in delinquency of minors; or transportation of minors or aged, handicapped or indigent persons to foster homes or institutions or for the transportation of persons to hospitals or clinics for treatment or diagnosis;

(ii) Work which is regularly performed under the direction of a government or governmental agency and which contributes to the war effort or the general welfare;

(iii) Work which is regularly performed under the direction of a non-profit organization and which either contributes to the general welfare by aiding members or discharged members of the Armed Forces or their families, or the families of deceased members of the Armed Forces, or contributes directly to the war effort;

(iv) Work performed by a minister who is regularly serving a congregation in meeting the religious needs of the locality which he regularly serves; and

(v) Work regularly performed by a representative of government, management or labor for recruiting or training workers or for travel to maintain peaceful industrial relations.

(27) "Occupational mileage" means mileage driven by a person in carrying on an occupation or to and from a place where such occupation is carried on.

(28) "Official," as applied to a passenger automobile or motorcycle, means that such automobile or motorcycle is

owned or leased by a Federal, State, local or foreign government or government agency, other than by the armed forces of the United States or the armed forces of a State organized pursuant to section 61 of the National Defense Act, as amended.

(29) "Organized transportation plan" means a plan organized and administered by a joint management-labor committee, or some similar group or individual designated by agreement between or with the consent of management and labor for the purpose of transporting, with a minimum use of gasoline and tires, all workers who require automobiles for transportation to and from their work.

(30) "Passenger automobile" means any motor vehicle, other than an ambulance, hearse, taxicab, jitney, or motor-cycle, which is built primarily for the purpose of transporting persons on the highways and has a rated seating capacity of seven (7) or less; and includes station wagons and suburban carry-alls, irrespective of seating capacity, which are not available for hire or public rental.

(31) "Passenger-type tire" means any tire designed primarily for use on a passenger automobile excluding motorcycle tires and tires located outside the continental United States.

(32) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(33) "Ration," as the context requires, means either a right to acquire and use gasoline as authorized by a board, subject to the provisions of this order, or the amount of gasoline acquired pursuant to such authority or both. A ration may be evidenced by credits in a ration bank account, checks issued against ration credits, or coupon books or coupons issued by a board on the basis of an application.

(34) "Ration book" means any gasoline coupon book issued pursuant to this order.

(35) "Registered," as applied to a motor vehicle, means that such motor vehicle is duly licensed for general operation on public roads or highways by the appropriate agency of the Federal Government or by a State, territorial or foreign government.

(35a) "Retail vendor" means a person engaged in the sale of aviation gasoline to consumers at an airport designated by the Administrator of Civil Aeronautics. He is a separate retail vendor as to each such airport.

(36) "Scrap," as applied to a tire, means incapable of being repaired for use.

(37) "Serial number" means the serial number either on the sidewall or on the inner surface of a tire or, if no such number appears on a tire, the brand name.

(38) "State" includes the District of Columbia.

(39) "State motor fuel tax administration" means the commission, board, department, or officer having charge of receiving and auditing the reports of taxes levied by a State on the transfer, receipt or use of gasoline.

(40) "Transfer" means sell, give, exchange, lease, lend, deliver, supply or furnish, and includes the acquisition of

title by will, inheritance, foreclosure, or legal process; it also includes the use by any dealer or distributor of any gasoline held by him; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in completion of shipment, shall not be deemed to be a transfer to or by such carrier.

(41) "Transfer," as applied to a place of business, means any change from one person to another of the right to occupation of the premises, whether or not the transferor continues on the premises in another capacity. The term shall include, but not by way of limitation, a sale, lease, change in tenancy, inheritance, devise, eviction, foreclosure, or occupation by an executor, administrator, receiver, or trustee in bankruptcy, but not a mortgage or other security transfer unaccompanied by a change in the right to present possession.

(42) "Unit" means the value, in gallons of gasoline, assigned to a coupon by order or direction of the Office of Price Administration. Such order or direction may vary the value of a unit with respect to the class of the coupon, with respect to the type or quality of gasoline transferred, with respect to the type of motor vehicle or type of gasoline use for which such coupon is issued, or with respect to the area in which or time when the transfer of gasoline is made.

(43) "Vehicle available for public rental" means a registered motor vehicle built or rebuilt primarily for the purpose of transporting persons, having a seating capacity of less than ten, which is leased from or held for rental by a motor vehicle rental agency.

(44) "Gasoline shortage area" means the States of Connecticut, Delaware, Georgia, except the portions which lie within the corporate limits of the cities of Rossville and West Point, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, except the portions which lie within the corporate limits of the cities of Sharon, Sharpsville, Farrell and Wheatland, Rhode Island, South Carolina, Vermont, Virginia, except the portions which lie within the corporate limits of the cities of Bristol and Bluefield, the District of Columbia, the portion of West Virginia which lies within and east of the counties of Mineral, Grant and Pendleton, and the State of Florida except the area which lies west of the counties of Gadsden, Liberty and Franklin.

(45) "Account" means a gasoline ration bank account carried by a bank, in which the bank keeps a record of deposits of gasoline evidences and of transfers of gasoline ration credits.

(46) "Bank" means a bank or bank branch which participates in ration banking by opening an account in accordance with General Ration Order No. 3.^o

(47) "Check" means a gasoline ration check, in the form prescribed by the Office of Price Administration, drawn by a depositor against his account and made

^o 8 F.R. 865, 2858, 4627, 9456, 12611; 9 F.R. 2212, 5426.

payable to the account of a named person.

(48) "Depositor" means a person who has a ration bank account. A person shall be deemed a separate depositor with respect to each of his accounts.

(49) "Issue", when used with respect to a check, means the delivery of a completed check to the person to whom the check is made payable.

(50) "Ration credits" means the credits in an account reflecting deposits of gasoline evidences.

(51) "Folder" means an identification folder for use in connection with serially numbered coupons issued in strips, to identify such coupons with the person to whom, and any vehicle or fleet for which the coupons are issued.

(56) "Facilities of a licensed distributor" shall include all places of business from which gasoline is transferred to other persons and which are operated by, or receive gasoline only on consignment from a licensed distributor located in the same state, unless:

(i) Title to such gasoline passes from the licensed distributor before transfer from such facility; or

(ii) State motor fuel taxes are paid upon the physical delivery of gasoline to such facility.

(57) "Earliest renewal date" means the first day following the last day of the period for which a particular ration was issued. It is the first day upon which a renewal of a ration may be valid for use.

(58) "Area A" means the States of Arizona, California, Nevada, Oregon, and Washington.

(59) "Area B" means the States of Alabama, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Ohio, Oklahoma, Nebraska, New Mexico, North Dakota, South Dakota, Tennessee, Texas, Utah, Wisconsin and Wyoming, the portion of the State of Florida which lies west of the counties of Gadsden, Liberty and Franklin, the portion of the State of West Virginia, which lies west of the counties of Grant and Pendleton, the portions of the State of Georgia which lie within the corporate limits of the Cities of Rossville and West Point, the portions of the State of Pennsylvania which lie within the corporate limits of the Cities of Farrell, Sharon, Sharpsville and Wheatland, and the portions of the State of Virginia which lie within the corporate limits of the Cities of Bluefield and Bristol.

(60) "PAW District No. 2" means the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Ohio, Indiana, Kentucky and Tennessee.

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

ADMINISTRATION, PERSONNEL AND JURISDICTION

§ 1394.7601 *Personnel.* (a) This order shall be administered by the Office

of Price Administration through its War Price and Rationing Boards and such other administrative personnel as it may select. The persons appointed to administer this order shall have such powers and duties as are herein described and as the Office of Price Administration has delegated and may, from time to time, delegate.

(c) No person participating in the administration of this order shall act officially in connection with any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage or adoption.

§ 1394.7602 *Jurisdiction of Boards over issuance of rations.* (a) For purposes of this order a Board shall have jurisdiction over:

(1) The issuance of basic rations:

(2) The issuance of rations (other than basic rations) for motor vehicles normally garaged or stationed in the area which the Board is designated to serve. This, however, is subject to the following exceptions:

(i) Rations for fleet or official vehicles may, at the option of the applicant, be issued by the Board having jurisdiction over the area in which an office is maintained for directing the operations of such vehicles.

(ii) If a Plant Area Board or Plant Area Panel or other Board has been designated to serve the workers in specified plants or establishments, that Board or Panel shall have exclusive jurisdiction (except for good cause shown by the applicant) to issue to the workers employed in such plants or establishments all types of rations which such Board or Panel is authorized to issue.

(iii) Rations for occupational driving to or from a place of work located in the United States in a vehicle which is registered in Canada and normally garaged or stationed outside the continental limits of the United States may be issued only by the Board designated to serve the area in which such place of work is located. Other rations for motor vehicles normally garaged or stationed outside the United States may be issued by any Board.

(3) The issuance of non-highway rations:

(i) For inboard motorboats, outboard motors or non-highway vehicles normally kept or stationed in the area which the Board is designated to serve.

(ii) For machinery or equipment located in the area which the Board is designated to serve.

(iii) For inboard motorboats or outboard motors normally stationed or kept outside of the area included within the continental limits of the United States.

(4) The issuance of a ration to any person who shows good cause for failure to make application to the Board having jurisdiction pursuant to the provisions of paragraphs (1), (2) or (3) of this section; any person applying for a ration pursuant to this paragraph, for a registered or commercial motor vehicle, shall furnish the Board with the address of the place (if any) where such vehicle is normally garaged or station.

(d) No person shall be entitled to receive or to use a ration issued by a Board which does not have jurisdiction over the issuance thereof in accordance with this section.

(e) Notwithstanding any other provisions of this section, no Board in Area A may issue a supplemental, fleet or official ration, or a ration pursuant to the provisions of §§ 1394.7757 or 1394.7758, for any vehicle normally garaged or stationed in Area B or in the gasoline shortage area, no Board in Area B may issue such a ration for any vehicle normally garaged or stationed in Area A or in the gasoline shortage area and no Board in the gasoline shortage area may issue such a ration for any vehicle normally garaged or stationed in Area A or Area B.

§ 1394.7603 *Action on applications.* The Board shall render its decision on an application for a ration within ten (10) days after the date of submission of such application. In any case of apparent emergency, such decision shall be made within forty-eight (48) hours, if possible. The Board shall promptly notify the applicant of its decision.

§ 1394.7604 *Records of applications.* Each Board shall maintain a file of all applications for gasoline passed upon by it or received by it from any other Board or application site, except that a Board shall transfer any or all such applications and related papers to another Board, or to any office of the Office of Price Administration in accordance with any instructions issued by the Office of Price Administration, Washington, D. C., or by the Regional Administrator or the District Director having jurisdiction over the Board.

BASIC RATIONS

§ 1394.7651 *Basic rations.* A basic ration may be obtained for use with a registered passenger automobile or a registered motorcycle, except that no basic ration shall be issued for use with any motor vehicle which is:

(a) Owned or leased by a Federal, State, local or foreign government or government agency.

(b) Part of a fleet of passenger automobiles or motorcycles.

(c) Held by a motor vehicle dealer for sale or resale.

(d) A vehicle available for public rental.

(e) Registered in Canada and normally garaged or stationed outside the continental limits of the United States.

§ 1394.7652 *Basic ration books—(a) Passenger automobiles.* Class A coupon books shall be issued as basic rations for passenger automobiles. Subject to the provisions of § 1394.7653 (d), which relate to the tailoring of coupon books issued after the beginning of the ration period, each Class A book issued for use outside the gasoline shortage area shall contain thirty coupons, and each Class A book issued for use in the gasoline shortage area shall contain twenty-seven coupons. Each Class A coupon shall have a value of one unit. Coupons contained in Class A books shall be valid

for the transfer of gasoline to a consumer only during the periods indicated below:

TABLE OF VALID COUPONS

Coupons numbered	Valid period
15----	March 22, 1945, to June 21, 1945, inclusive.
16----	June 22, 1945, to September 21, 1945, inclusive.
17----	September 22, 1945, to December 21, 1945, inclusive.

(b) *Motorcycles.* Class D coupons in strip form bearing consecutive serial numbers together with an identification folder marked "Basic" shall be issued in the number specified in § 1394.7653 (d) (2) as basic rations for motorcycles for use after November 11, 1944.

Class D coupons issued as a basic ration for use after November 11, 1944 shall be valid for transfer of gasoline to a consumer at any time until December 31, 1944, and thereafter, while gasoline continues to be rationed, until December 22, 1945.

Each Class D coupon shall have a value of one unit.

§ 1394.7653 *Application for and issuance of basic rations.* (a) *Application.* Application for a basic ration may be made to a Board on Form OPA R-534. A separate application shall be made for each passenger automobile or motorcycle for which a basic ration is sought.

(b) *Who signs application.* The application must be signed by the registered owner of the vehicle for which a ration is sought and may not be signed by an agent: *Provided,* That the Board may accept an application signed by a duly authorized agent of the registered owner if the applicant for whom the agent is acting is physically unable to sign or is outside the jurisdiction of the Board with which application is filed.

(d) *Issuance.* Pursuant to such application the Board shall issue a basic ration in accordance with the following provisions:

(1) Before issuing a Class A coupon book as a basic ration for a passenger automobile the Board shall remove coupons from the book according to the following formula:

(i) From a Class A book: All expired coupons and one currently valid coupon for each full sixteen days which have elapsed in the valid period during which such book is issued.

(2) In respect to a basic ration for a motorcycle issued for use after November 11, 1944, the Board shall issue forty Class D coupons in strip form bearing consecutive serial numbers and accompanied by an identification folder marked "Basic" and bearing "December 22, 1945" as the expiration date. However, if such ration is issued after November 11, 1944, the Board shall reduce such number of coupons issued by one coupon for each full ten days which have elapsed after November 11, 1944.

(f) *Limitations on issuance.* No basic ration may be issued for a vehicle for use during the time that another currently valid basic ration issued for use with the same vehicle is outstanding, except as provided in § 1394.8007 (a).

(Section 1394.8007 (a) relates to the replacement of lost or wrongfully withheld coupons.) No person, except as provided in § 1394.8007 (a) or as provided below in this paragraph, shall be entitled to receive more than one basic ration for the same vehicle for use during any of the following periods:

Class A rations outside the gasoline shortage area, September 22, 1944, to December 21, 1945, inclusive.

Class A rations within the gasoline shortage area, November 9, 1944, to December 21, 1945, inclusive.

Basic Class D rations, November 12, 1944, to December 21, 1945, inclusive.

However, any person may apply for reissuance of a basic ration if he has surrendered a basic ration to a Board by reason of having ceased to use the motor vehicle for which the ration was issued. Application for reissuance shall be made on Form OPA R-534 Revised and the applicant shall attach thereto a statement setting forth the date and place of issuance of the ration surrendered, the date and place of the surrender and the reason therefor. If the Board is satisfied that the applicant surrendered the ration in good faith it shall issue a basic ration to the applicant pursuant to the provisions of paragraph (d) of this section.

SUPPLEMENTAL RATIONS

§ 1394.7701 *Supplemental rations.* (a) The following coupons may be issued by a Board as supplemental rations to the owner or person entitled to the use of a registered passenger automobile or registered motorcycle (other than those specified in § 1394.7702), to provide occupational mileage driven in such vehicle by anyone, to the extent that such mileage is allowed by the Board pursuant to § 1394.7704:

(1) Class B or Class C coupons (for use with passenger automobiles) or Class D coupons (for use with motorcycles) in strip form bearing serial numbers in consecutive order and issued in connection with a folder, which shall identify the coupons with the vehicle and the owner of the vehicle for which the ration is issued.

(b) Class B, Class C or supplemental Class D coupons issued as a supplemental ration shall each have a value of one unit. Serially numbered Class B, C or D coupons issued in strip form shall authorize the transfer of gasoline to consumers from the validity date which shall be noted by the Board on the folder which it issues with such coupons until such ration or coupons expire or are revoked.

(c) An applicant for a supplemental ration for use with a motorcycle is deemed to have available sixty miles per month of occupational driving by using the basic ration issued for use with the motorcycle. Supplemental rations may be issued to provide only occupational mileage allowed by the Board in excess of any occupational mileage deemed available in the basic ration. However, no deduction for any such mileage deemed available in the basic ration shall be made by the applicant in stating his required

occupational mileage or by the Board in allowing occupational mileage, since an appropriate deduction is automatically made when the Board applies the tables set forth in § 1394.7705 pursuant to which supplemental rations are issued.

§ 1394.7702 *Passenger automobiles or motorcycles for which supplemental rations may not be issued.* No supplemental rations may be obtained or shall be issued for use with a passenger automobile or motorcycle for which no basic ration has been issued or for use with any motor vehicle which is:

(a) Owned or leased by a Federal, State, local or foreign government or government agency.

(b) Part of a fleet of passenger automobiles or motorcycles.

(c) Held by a motor vehicle dealer for sale or resale.

(d) A vehicle available for public rental.

(e) Registered in Canada and normally garaged or stationed outside the continental limits of the United States.

§ 1394.7703 *Application for supplemental rations.* (a) Application for a supplemental ration may be made to a Board on Form OPA R-535 by the owner or a person entitled to the use of a registered passenger automobile or registered motorcycle. A separate application shall be made for each vehicle. Application on behalf of an individual may not be signed by an agent.

(b) An applicant shall establish the average monthly occupational mileage driven within the continental United States and required for each of the following purposes, for the three-month period beginning with the date on which such ration is required:

(1) Driving between home and a fixed place of work in connection with the principal occupation of the applicant or principal user of the vehicle;

(2) Driving in the course of such principal occupation;

(3) Driving to and from or in the course of any other occupation or occupations for which the vehicle is used.

(c) In the event that two or more passenger automobiles for which supplemental rations are desired, are owned by persons living in the same household and related to each other by blood, marriage, or adoption, all applications for supplemental rations for such vehicles shall, except for good cause shown, be submitted at the same time to the same Board. Where two or more vehicles are used in a ride-sharing arrangement of the type described in paragraph (a) of § 1394.7704, a separate application for a supplemental ration shall be made for each such vehicle. Each such application shall include only the mileage driven in the vehicle for which it is made and, if such vehicles are all within the jurisdiction of one Board, all such applications must be submitted to it at the same time. If such vehicles are within the jurisdiction of different Boards, each application must be accompanied by duplicate copies of the applications for other vehicles used in such ride-sharing arrange-

ment, and such duplicate copies shall show, if possible, the action taken by the respective Boards on the originals thereof.

§ 1394.7704 Allowance of mileage. (a) Except as provided in paragraphs (c) and (e) of this section occupational mileage shall be allowed by a Board for a purpose specified in paragraph (b) of § 1394.7703 if the applicant establishes, in connection with the use of the vehicle for that purpose, either:

(1) That a bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) will regularly be carried in the vehicle for the purpose of going to and from or carrying on their occupations and that transportation is needed for such purpose: *Provided*, That each person must certify to his participation in the ride-sharing arrangement by signing the application; or

(2) That no such ride-sharing arrangement could reasonably be made but that the vehicle carries as many persons as could reasonably be expected in the light of the circumstances in which and the purpose for which it is used; that transportation is needed for such purpose; and that no alternative means of transportation are available which would be reasonably adequate for such purpose.

(i) An applicant may establish that four or more persons cannot regularly be carried in the vehicle for which application is made by showing: the limited capacity of the vehicle; the necessity of traveling at unusual or irregular hours; the necessity of traveling over routes not feasible for other persons who might be carried; or such other reasons as the Board may find sufficient.

(ii) An applicant may establish the lack of reasonably adequate alternative means of transportation by showing the unavailability of other public or private means of transportation; or by showing that such alternative means, if available, are inadequate by reason of location, schedules or overcrowded conditions, by reason of physical disability of the person needing transportation, by reason of the nature of the work for which transportation is needed, or for such other reasons as the Board may find sufficient.

(3) If the application is made for a ration to be used for transporting the applicant or principal user of the vehicle to and from a place of employment at a plant or facility listed in § 1394.7706 (c) at which more than one hundred persons are employed, or at any other establishment designated by the District Director when such designation will result in the conservation of gasoline, such application must be certified as indicated thereon by an officer in charge of an organized transportation plan at such establishment.

(i) Upon the refusal of a person in charge of an organized transportation plan to certify an applicant for a supplemental ration, within three days of such refusal, he shall forward such application, together with a statement setting forth the reasons for such refusal, to the

appropriate Board. The Board shall, at the request of the applicant, review the application and shall issue the ration if it is satisfied by clear and convincing proof that the applicant is entitled to it.

(ii) Whenever a District Director shall determine that an organized transportation plan is not necessary at any of the establishments enumerated in this paragraph because it does not offer sufficient benefits to justify its operation, he may issue an order eliminating the requirement for certification.

(4) In the event application is made for a supplemental ration in order to permit the use of the vehicle for which application is made in the pursuit of an occupation other than a gainful occupation, the application must be certified, as indicated thereon, by a responsible official of the organization, if any, for or under the direction of which the work is performed.

(5) An application for a supplemental ration for driving by an officer, agent, representative or employee of a government or government agency for carrying on the official business of such government or government agency must be certified, as indicated thereon, by a government mileage administrator (or by his authorized agent) if one has been designated by such government or government agency to exercise authority to certify such applications on behalf of the unit of government or the specified branch thereof in respect to which the application is made. If no such government mileage administrator has been designated, such application must be certified by an officer who is empowered to authorize or supervise travel for such government or government agency.

(b) Upon the basis of the application and such other facts as the Board may require, the Board shall allow mileage for driving within the continental United States for any of the purposes listed in paragraph (b) of § 1394.7703 for which applicant has applied, with respect to which the applicant has established the facts required by paragraph (a) hereof. The Board shall allow only that portion of the claimed mileage (in the absence of a ride-sharing arrangement) with respect to which the applicant has established the inadequacy of alternative means of transportation (in accordance with paragraph (a) (2) (ii) of this section). The Board shall then determine the total occupational mileage per month required by the applicant and allowed by it for the three month period specified in paragraph (b) of § 1394.7703 and shall issue a supplemental ration, in accordance with the provisions of § 1394.7705, to provide such mileage, subject to the following provisions:

(1) No Board shall allow mileage in excess of the maximum set forth below, unless the mileage in excess of such maximum is defined as preferred mileage under the provisions of § 1394.7706, or is additional mileage allowed pursuant to § 1394.7707, or is defined as semi-pre-

ferred mileage under the provisions of § 1394.7708.

(i) If the Board is in Area A the maximum mileage is 400 miles per month.

(ii) If the Board is in Area B the maximum mileage is 475 miles per month.

(iii) If the Board is in the gasoline shortage area the maximum mileage is 325 miles per month.

(2) If the applicant fails to establish eligibility for occupational mileage in accordance with the provisions of this section for a period of three months, but establishes such eligibility for a period of less than three months, the Board shall determine and allow occupational mileage for the period for which such eligibility has been established, but not to exceed a period of one month, subject to the limitations of subparagraph (1) of this paragraph (b). In such a case, the Board shall issue the ration in accordance with the provisions of § 1394.7705 (e).

(c) A board having jurisdiction over an area (1) which is adequately served by subway, elevated railroad, or railroad commutation service, or (2) which has been determined by the Regional Administrator or Deputy Administrator in Charge of Rationing to be adequately served by other means of public transportation, shall allow mileage claimed with respect to which a ride-sharing arrangement has been made only if the applicant establishes that the use of such subway, elevated railroad, railroad commutation service or other means of transportation would not be reasonably adequate for the purpose for which such mileage is claimed.

(e) Unless the applicant's occupation requires him to live at a temporary or seasonal home or lodging, a Board shall allow no more occupational mileage to an applicant living at a temporary or seasonal home or lodging than the amount which would be allowable to the applicant for the same occupational purposes if he were living at his usual home or lodging.

§ 1394.7705 Issuance of supplemental rations. (a) Supplemental rations shall be issued to provide the total mileage allowed by the Board in accordance with § 1394.7704 or § 1394.7707. The ration shall be issued in the form of Class B, C or D coupons in strip form, bearing serial numbers in consecutive order and accompanied by a folder. The Board may issue strip coupons in separate sets if each set bears serial numbers in consecutive order and a separate folder is issued for each such set. The person issuing the ration shall note on each folder issued the date of issuance as the date on which coupons become valid, and the earliest renewal date. If the mileage has been allowed on a basis of a period of one month, or less, pursuant to § 1394.7704 (b) (2), the number of coupons issued shall be determined pursuant to paragraph (e) of this section. If the mileage has been allowed on the basis of a period of three months the number of

coupons issued shall be determined as follows:

(1) In the case of a passenger automobile for which application for a supplemental ration is made in Area A, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 400 miles per month or less: Class B coupons in the number specified in Table I for the mileage allowed.

(ii) In the event that the mileage allowed by the Board pursuant to § 1394.7704 (b) or § 1394.7707 exceeds 400 miles per month: Class C coupons in the number specified in Table II for the mileage allowed.

(2) In the case of a passenger automobile for which application for a supplemental ration is made in the gasoline shortage area, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 325 miles per month or less: Class B coupons in the number specified in Table IA for the mileage allowed.

(ii) In the event that the mileage allowed by the Board pursuant to § 1394.7704 (b) or § 1394.7707 exceeds 325 miles per month: Class C coupons in the number specified in Table IIA for the mileage allowed.

(3) In the case of a passenger automobile for which application for a supplemental ration is made in Area B, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 475 miles per month or less: Class B coupons in the number specified in Table IB for the mileage allowed.

(ii) In the event that the mileage allowed by the Board pursuant to § 1394.7704 (b) or § 1394.7707 exceeds 475 miles per month: Class C coupons in the number specified in Table IIB for the mileage allowed.

(4) In the case of a motorcycle the Board shall issue Class D coupons in strip form bearing serial numbers in consecutive order and issued in connection with a folder (to be marked "Supplemental") containing the number of coupons specified in Table IC to provide the mileage allowed by the Board.

TABLE I—DETERMINATION OF AMOUNT OF SUPPLEMENTAL, OFFICIAL OR FLEET RATION IN AREA A

For passenger automobiles with an allowed mileage of 400 miles per month or less.

(For motorcycles, use Table IC)

Miles per month:	"B" coupons for 3 months
1-25.....	1
26-50.....	2
51-75.....	3
76-100.....	4
101-125.....	5
126-150.....	6
151-175.....	7
176-200.....	8
201-225.....	9
226-250.....	10
251-275.....	11
276-300.....	12
301-325.....	13
326-350.....	14
351-375.....	15
376-400.....	16

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TABLE II—DETERMINATION OF AMOUNT OF SUPPLEMENTAL, OFFICIAL OR FLEET RATION IN AREA A

For passenger automobiles with an allowed mileage of more than 400 miles per month

(For motorcycles, use Table IC)

Miles per month:	"C" coupons for 3 months
401-425.....	17
426-450.....	18
451-475.....	19
476-500.....	20
501-525.....	21
526-550.....	22
551-575.....	23
576-600.....	24
601-625.....	25
626-650.....	26
651-675.....	27
676-700.....	28
701-725.....	29
726-750.....	30
751-775.....	31
776-800.....	32
801-825.....	33
826-850.....	34
851-875.....	35
876-900.....	36
901-925.....	37
926-950.....	38
951-975.....	39
976-1000.....	40
1001-1025.....	41
1026-1050.....	42
1051-1075.....	43
1076-1100.....	44
1101-1125.....	45
1126-1150.....	46
1151-1175.....	47
1176-1200.....	48

NOTE: In the event the allowed mileage exceeds 1,200 miles, one additional coupon shall be issued for each 25 miles, or fraction thereof, of allowed mileage in excess of 1,200 miles.

TABLE IA—DETERMINATION OF AMOUNT OF SUPPLEMENTAL, OFFICIAL OR FLEET RATION IN GASOLINE SHORTAGE AREA

For passenger automobiles with an allowed mileage of 325 miles per month or less

(For motorcycles, use Table IC)

Miles per month:	"B" coupons for 3 months
1-25.....	1
26-50.....	2
51-75.....	3
76-100.....	4
101-125.....	5
126-150.....	6
151-175.....	7
176-200.....	8
201-225.....	9
226-250.....	10
251-275.....	11
276-300.....	12
301-325.....	13

TABLE IIA—DETERMINATION OF AMOUNT OF SUPPLEMENTAL, OFFICIAL OR FLEET RATION IN GASOLINE SHORTAGE AREA

For passenger automobiles with an allowed mileage of more than 325 miles per month.

(For motorcycles, use Table IC)

Miles per month:	"C" coupons for 3 months
326-350.....	14
351-375.....	15
376-400.....	16
401-425.....	17
426-450.....	18
451-475.....	19
476-500.....	20
501-525.....	21
526-550.....	22
551-575.....	23
576-600.....	24

TABLE IIA—Continued

Miles per month:	"C" coupons for 3 months
601-625.....	25
626-650.....	26
651-675.....	27
676-700.....	28
701-725.....	29
726-750.....	30
751-775.....	31
776-800.....	32
801-825.....	33
826-850.....	34
851-875.....	35
876-900.....	36
901-925.....	37
926-950.....	38
951-975.....	39
976-1,000.....	40
1,001-1,025.....	41
1,026-1,050.....	42
1,051-1,075.....	43
1,076-1,100.....	44
1,101-1,125.....	45
1,126-1,150.....	46
1,151-1,175.....	47
1,176-1,200.....	48

NOTE: In the event the allowed mileage exceeds 1,200 miles, one additional coupon shall be allowed for each 25 miles, or fraction thereof, of allowed mileage in excess of 1,200 miles.

TABLE IB—DETERMINATION OF AMOUNT OF SUPPLEMENTAL, OFFICIAL OR FLEET RATION IN AREA B

For passenger automobiles with an allowed mileage of 475 miles per month or less.

(For motorcycles, use Table IC)

Miles per month:	"B" coupons for 3 months
1-25.....	1
26-50.....	2
51-75.....	3
76-100.....	4
101-125.....	5
126-150.....	6
151-175.....	7
176-200.....	8
201-225.....	9
226-250.....	10
251-275.....	11
276-300.....	12
301-325.....	13
326-350.....	14
351-375.....	15
376-400.....	16
401-425.....	17
426-450.....	18
451-475.....	19

TABLE IIB—DETERMINATION OF AMOUNT OF SUPPLEMENTAL, OFFICIAL OR FLEET RATION IN AREA B

For passenger automobiles with an allowed mileage of more than 475 miles per month.

(For motorcycles, use Table IC)

Miles per month:	"C" coupons for 3 months
476-500.....	20
501-525.....	21
526-550.....	22
551-575.....	23
576-600.....	24
601-625.....	25
626-650.....	26
651-675.....	27
676-700.....	28
701-725.....	29
726-750.....	30
751-775.....	31
776-800.....	32
801-825.....	33
826-850.....	34
851-875.....	35
876-900.....	36
901-925.....	37

TABLE IIB—Continued

Miles per month:	"C" coupons for 3 months
926-950	38
951-975	39
976-1000	40
1001-1025	41
1026-1050	42
1051-1075	43
1076-1100	44
1101-1125	45
1126-1150	46
1151-1175	47
1176-1200	48

NOTE: In the event the allowed mileage exceeds 1200 miles, one additional coupon shall be issued for each 25 miles, or fraction thereof, of allowed mileage in excess of 1200 miles.

TABLE IC—DETERMINATION OF AMOUNT OF SUPPLEMENTAL RATION FOR MOTORCYCLES IN AREA A, AREA B AND IN THE GASOLINE SHORTAGE AREA

To be used only for motorcycles entitled to basic rations, and for which more than 60 miles per month are allowed. Allowed mileage in excess of 400 miles per month in Area A, 475 miles per month in Area B and 325 miles per month in the gasoline shortage area must be preferred mileage, semi-preferred mileage or mileage allowed under § 1394.7707.

Miles per month:	"D" coupons in 3 months
Up to 60	0
61-80	1
81-100	2
101-120	3
121-140	4
141-160	5
161-180	6
181-200	7
201-220	8
221-240	9
241-260	10
261-280	11
281-300	12
301-320	13
321-340	14
341-360	15
361-380	16
381-400	17
401-420	18
421-440	19
441-460	20
461-480	21
481-500	22
501-520	23
521-540	24
541-560	25
561-580	26
581-600	27
601-620	28
621-640	29
641-660	30
661-680	31
681-700	32
701-720	33
721-740	34
741-760	35
761-780	36
781-800	37
801-820	38
821-840	39
841-860	40
861-880	41
881-900	42
901-920	43
921-940	44
941-960	45
961-980	46
981-1000	47
1001-1020	48
1021-1040	49
1041-1060	50

NOTE: In the event the allowed mileage exceeds 1,060 miles, one additional coupon shall be allowed for each 20 miles, or fraction thereof, of allowed mileage in excess of 1,060 miles.

(c) For the purposes of paragraphs (a) and (e) of this section, a passenger automobile is conclusively presumed to operate fifteen miles, and a motorcycle forty miles, per gallon of gasoline.

(e) If a Board allows a supplemental ration for a period of one month or less pursuant to § 1394.7704 (b) (2), it shall issue a sufficient number of coupons of an appropriate class to provide the total mileage allowed. It shall issue Class B or Class C coupons for use with a passenger automobile and Class D coupons for use with a motorcycle.

§ 1394.7706 Preferred mileage. The mileage driven in a passenger automobile or motorcycle by the owner or a person entitled to the use thereof, necessary for carrying out one or more of the following purposes, shall be deemed preferred mileage:

(a) By an agent, officer, representative or employee of a Federal, State, local or foreign government or government agency (but excluding a member of the armed forces of the United States or military forces organized pursuant to section 61 of the National Defense Act, as amended), who either holds an elective office or who is compensated by such government or government agency for his personal services or for travel expenses incurred in the travel for which preferred mileage is sought, for performing the official business or carrying out an official function of such government or government agency.

(1) Daily or periodic travel between home or lodgings and a fixed place of work shall be deemed performance of official business or carrying out an official function only when such fixed place of work is an establishment or facility listed in paragraph (c) of this section.

(2) Except for daily or periodic travel between home or lodgings and a fixed place of work, travel by members of Federal or State legislative bodies between their places of residence and the city or town of legislative session, or within such city or town and within their respective legislative districts in connection with their functions as legislators, or elsewhere in pursuit of legislative business, shall be deemed the carrying out of an official function.

(b) By a school teacher or school official for the performance of school duties which require regular travel to more than one recognized educational institution.

(c) By a person for regularly transporting four or more pupils, students, teachers or school employees to or from an elementary school, high school, college, university or vocational school, or by an employee of a day nursery or pre-school nursery for transporting four or more children to and from such day nursery or pre-school nursery, provided that alternative means of transportation are not adequate.

(d) For the transportation of mail on behalf of the United States Government.

(e) For delivery, other than delivery to the reader, of newspapers and magazines; and for necessary driving in maintaining the wholesale distribution system of newspapers within a defined

area, but only if the applicant presents to the Board a statement from the business manager of the newspaper by which the applicant is employed, setting forth:

(1) The area in which the applicant is engaged in maintaining such distribution system;

(2) The minimum monthly mileage required by the applicant for such purpose; and

(3) That the business manager has taken all reasonable steps to reduce the applicant's driving to the lowest possible mileage consistent with the effective wholesale distribution of the newspaper in the defined area.

(f) For the transportation of non-portable photographic or sound-on-film equipment, for taking pictures for use in newsreels, newspapers or magazines or for industrial or governmental use, by a person regularly engaged in such activity.

(g) By a physician, surgeon, dentist, osteopath, chiropractor or midwife for making necessary professional calls outside his office if he regularly makes such calls, or for travel to and from an office, or between offices maintained by him, but only if the applicant is licensed by the appropriate governmental authority.

(h) By a farm veterinary for rendering professional services at agricultural establishments, but only if the applicant is licensed by the appropriate governmental authority and regularly renders such professional services.

(i) By a public health nurse (but not including a private nurse) employed by or serving under the direction of a clinic or hospital, governmental agency, industrial concern, or similar organization, for rendering necessary medical, nursing or inspection calls, or by a nurse registered by appropriate governmental authority for travel between home or lodgings and establishments or facilities listed in paragraph (c) of this section, to render nursing services.

(j) By an embalmer for rendering necessary services in connection with the preparation for interment of deceased persons, but only if the applicant is licensed as such by the appropriate governmental authority.

(k) By a practicing minister of any religious faith who regularly serves a congregation, to enable him to meet the religious needs of the locality which he regularly serves, but not to go from home to place of worship; or by a practicing minister who regularly serves more than one congregation, to enable him to travel to the churches which he serves.

(l) By a religious practitioner, other than a minister, who is duly authorized by an organized religious faith to render services of a religious nature to members of such faith, for rendering such services to such members in the locality which he regularly serves, but not for travel from home to place of worship.

(m) By a farmer for transportation of farm products and necessary supplies between a farm and a wholesale or retail establishment, a public market, a shipping point, or another farm.

(n) By the following persons for the following purposes:

(1) Any person, including an employer, employer's organization, or labor

organization, for the transportation of farm workers, commercial fishermen, seamen, or marine workers to, from or between their places of employment.

(2) An engineer or technician for transportation between home or lodgings and a radio broadcasting transmission station or between such station and other permanent facilities for radio broadcasting for purposes necessary to the operation of such station, but only if such station, because of its power, is located in a rural or suburban area.

(3) An engineer or technician for the transportation of non-portable equipment to and from temporary installations for radio broadcasting, if no alternative means of transportation are adequate.

(4) A ship surveyor for necessary travel for the purpose of performing necessary inspection services, provided that no preferred mileage shall be allowed under this paragraph unless the applicant presents to the Board a certification by a Regional Director of Construction of the United States Maritime Commission that travel by the applicant for such purpose is essential to the war effort.

(5) A person to travel to, from, within or between naval or military establishments or facilities for the exclusive purpose of training members of the armed forces in the use of aviation or automotive equipment, instruments or weapons of warfare pursuant to a written contract with government requiring the performance of such services.

(6) A duly appointed director of a civilian public service camp established and maintained pursuant to section 5 (g) of the Selective Service and Training Act of 1940 for necessary travel in connection with the operation of the camp.

(o) By the person and for purposes listed below:

(1) For necessary travel between home or lodgings and a fixed place or places of work at an establishment or facility listed below, by an owner of such establishment or facility engaged in the performance of services necessary to its operation or functioning, or by an employee of such establishment or facility who receives compensation for his services from such establishment or facility (but excluding a member of the armed forces of the United States or military forces organized pursuant to section 61 of the National Defense Act, as amended).

(2) For necessary travel from one place to another (but not from home or lodgings to a fixed place or places of work) by an owner of an establishment or facility listed below, or by an employee or paid representative of such establishment or facility, for purposes necessary to the operation or functioning of such establishment or facility (but excluding a person while engaged in advertising; distributing samples; buying, sales or sales promotion activities, activities performed primarily for the purpose of creating or maintaining goodwill; landscaping or decorating activities; delivery to the ultimate consumer for personal, family or household use or delivery for resale; and excluding a member of the armed forces of the United States or

military forces organized pursuant to section 61 of the National Defense Act, as amended).

(3) For necessary travel to, from, within or between establishments or facilities listed below (but not from home or lodgings to a fixed place or places of work) by a person for purposes necessary to the operation or functioning of such establishments or facilities to which he travels (but excluding an owner or employee of such establishment or facility). However, such activities must be performed pursuant to a written contract with or in response to prior request of such establishment or facility, and separate compensation must be paid therefor by that establishment or facility. The compensation must be in an amount at least equivalent to the separate charge made for the same or similar services before the effective date of Ration Order 5C (December 1, 1942), or if no charge was then made for such services, then in an amount at least equivalent to the reasonable value of such services.

(4) The phrase "necessary to the operation or functioning" used in paragraph (o) has special meanings, depending upon the particular class of listed essential establishment or facility involved. The list of essential establishments or facilities referred to in paragraph (o) and the special meanings of "necessary to the operation or functioning" are as follows:

(i) Naval, military or hospital establishments or facilities, or civilian public service camps established and maintained pursuant to section 5 (g) of the Selective Service and Training Act of 1940. Activities shall be deemed necessary to the operation or functioning of these establishments or facilities only when they are directly concerned with the accomplishment of the primary functions for which these establishments or facilities are designed.

(ii) Establishments or facilities of common carriers; or of plants engaged in the production or distribution of light, power, electricity, gas, steam, or water that are public utilities or essential to the war effort or public welfare; or of irrigation, drainage, flood control or sanitation systems; or of telephone, telegraph, radio-telegraph or radio-telephone (but not radio broadcasting) systems. Activities shall be deemed necessary to the operation or functioning of these establishments or facilities only when the activities are engaged in directly for the purpose of performing or improving the performance of the services or methods or means of service for which the establishments or facilities are primarily designed.

(iii) Industrial, extractive, or agricultural establishments essential to the war effort, including but not limited to: plants or establishments engaged in the extraction, production, processing, or assembling of any aircraft, motor vehicle, ship, marine equipment, armament, implement or engine of war or of munitions or fuel; or of essential medical supplies or essential food or clothing; or of necessary parts of any of such products; or of any raw, semi-processed or finished materials, supplies or accessories necessarily used in the manufacture thereof;

or of tools, machinery or appliances essential to the manufacture or use thereof. Activities shall be deemed necessary to the operation or functioning of these establishments only when they are performed directly for the purpose of participating in physical production, or improving products, or methods or means of production.

(5) For the purposes of this paragraph (o) administrative activities of business, such as accounting, bookkeeping, legal counseling, financial, and insurance activities, are not deemed necessary to the operation or functioning of any listed establishments or facilities.

(p) By the following persons for the following purposes:

(1) For travel to, from or within construction projects, or establishments or facilities listed in paragraph (o) of this section in order to maintain peaceful relations therein between management and labor by an authorized agent of government, management or labor.

(2) For travel necessary to recruit workers for immediate employment in construction work or in work described in paragraphs (n) (1) or (o) of this section, by an authorized agent of government or labor or management. However, no mileage may be allowed under this subparagraph unless such management or labor has been designated by the War Manpower Commission to recruit such workers.

(q) By a person listed below for necessary driving for the following purposes:

(1) By a construction worker, architect or engineer for performing construction work such as alteration or construction of buildings, roads, dams, bridges, tunnels, or for transporting materials or equipment necessary to perform such construction work. However, no mileage may be allowed under this subparagraph to a person while engaged in buying, sales or sales promotion activities; activities performed primarily for the purpose of creating or maintaining good will; advertising; demonstrations; landscaping; or while engaged in the performance of construction work for the purpose of decoration, amusement, entertainment, recreation, advertising, display, or adornment (except recreational facilities which are to be owned or operated by a government or recreational facilities to be owned or operated by establishments listed in § 1394.7706 (o) (4) (i)).

(2) By a carpenter, plumber, mechanic, electrician or other person, skilled and regularly engaged in making installations, for necessary travel from one place to another (but not from home or lodgings to a fixed place or places of work) to make such installations or to transport materials or equipment necessary to make such installations. (This subparagraph does not apply to repair services or to services performed for the purpose of preventing deterioration or breakdowns.) However, no mileage may be allowed under this subparagraph to a person while engaged in any of the following activities:

(i) Buying, advertising, distributing samples, sales, sales promotion; or activities performed primarily for the purpose of creating or maintaining good will. However, a person otherwise eligible for

preferred mileage for installing artificial limbs or orthopedic braces is not disqualified because he sells the artificial limbs or orthopedic braces he is installing; and an installation is not deemed to be any of the activities specified in this subdivision (i) if it is made either:

(a) by the seller or lessor of the material to be installed (after the sale or lease has been made), or

(b) in response to prior request and is paid for separately by the recipient in an amount at least equivalent to the charge for the same or similar services made before the effective date of Ration Order 5C (December 1, 1942), or if no charge was then made for such services of the applicant, then in an amount at least equivalent to the reasonable value of such services.

(ii) Delivery for resale, or delivery of an item not necessary to the making of an installation.

(iii) Landscaping activities.

(iv) Installation activities for the purpose of decoration, advertising, display or adornment.

(v) The stocking of vending or dispensing machines or the collection of money from coin-operated machines or devices.

(vi) Installation of decorations, advertising, display or decorative equipment, items of personal wear (other than artificial limbs or orthopedic braces), or adornment, or of novelty, amusement, advertising, display, entertainment, or recreational devices or equipment (other than non-portable motion picture equipment, or recreational devices owned or operated by a government or owned or operated by establishments listed in § 1394.7706 (c) (4) (i)).

(vii) Installation of portable household equipment or portable household furniture, or of radio receiving sets or equipment attached thereto except when the radio receiving set is used by or on behalf of government or a government agency for intercommunication or for monitoring broadcasts.

(3) By a carpenter, plumber, mechanic, electrician or other person, skilled and regularly engaged in the making of repairs or in the performance of services necessary to prevent the deterioration or breakdown of materials, machinery, equipment, roads, structures or buildings, for necessary travel from one place to another (but not from home or lodgings to a fixed place or places of work) for the purpose of performing such services, or to transport materials or equipment necessary to perform such services. However, no mileage may be allowed under this subparagraph to a person while engaged in any of the following activities:

(i) Buying, advertising, distributing samples, sales, or sales promotion; or activities performed primarily for the purpose of creating or maintaining good will. However, a person otherwise eligible for preferred mileage for making repairs is not disqualified because he sells a part or material where the sale is incidental to, and the part or material is used in making such repairs; and repair or preventive services of the kind described above are not deemed to be any

of the activities specified in this subdivision (i) if they are performed in response to prior request and are paid for separately by the recipient in an amount at least equivalent to the charge for the same or similar services made before the effective date of Ration Order 5C (December 1, 1942), or if no charge was then made for such services of the applicant, then in an amount at least equivalent to the reasonable value of such services.

(ii) Delivery for resale, or delivery of an item not necessary to the performance of the service.

(iii) Landscaping activities.

(iv) Activities for the purpose of decoration, advertising, display or adornment.

(v) The stocking of vending or dispensing machines or the collection of money from coin-operated machines or devices.

(vi) Servicing of decorations, advertising, display or decorative equipment, items of personal wear (other than artificial limbs or orthopedic braces), or adornment, or of novelty, amusement, advertising, display, entertainment, or recreational devices or equipment (other than non-portable motion picture equipment, or recreational devices owned or operated by a government or owned or operated by establishments listed in § 1394.7706 (c) (4) (i)).

(vii) Servicing of portable household equipment or portable household furniture, or of radio receiving sets or equipment attached thereto, except when the radio receiving set is used by or on behalf of government or a government agency for intercommunication or for monitoring broadcasts.

(viii) Use or operation of the equipment or machinery being maintained.

(ix) The collection of rents.

(x) Janitorial services such as cleaning windows, floors, walls, ceilings, skylights, fixtures or furniture.

(xi) The making of inspections in connection with policies of insurance, whether before or after the making of the writing thereof, or the making of inspections in connection with claim adjustment activities, or the fixing of financial responsibility for casualties.

(xii) Repair or maintenance services with respect to machinery, equipment, or any personal property, by a lessor of that property (or by his employee) unless they are performed in response to prior request and are paid for separately by the lessee in an amount at least equivalent to the charge for the same or similar services made before the effective date of Ration Order 5C (December 1, 1942), or if no charge was then made for such services of the applicant, then in an amount at least equivalent to the reasonable value of such services.

(4) By an engineer or other highly skilled person exclusively engaged in the inspection of boilers, compressors, elevators, high tension electrical equipment, flywheels or machinery peculiarly subject to explosions, or in the inspection of grain elevators, underground mines or establishments engaged in the processing or handling of explosives, highly volatile gases or other commodities peculiarly subject to explosions, for necessary travel from one place to another (but not from

home or lodgings to a fixed place or places of work) for the purpose of performing inspection services requiring the application of his skills necessary to prevent the occurrence of explosions or other disastrous events to which such machinery or places are subject. No mileage may be allowed under this subparagraph to a person while engaged in making inspections for the purpose of determining or reclassifying insurance rates, collection of premiums, claim adjustment or fixing financial responsibility for casualties.

(5) By a trained worker engaged in the extermination of vermin who requires the use of a passenger automobile or motorcycle to travel from one place to another (but not from home or lodgings to a fixed place or places of work) for the purpose of performing extermination services or transporting materials or equipment necessary to perform extermination services. However, no mileage may be allowed under this subparagraph to a person while engaged in buying, sales or sales promotion activities, activities performed primarily for the purpose of creating or maintaining good will, delivery of an item not necessary to the performance of the service, demonstrations, distributing samples, advertising or the performance of janitorial services.

(6) By a person engaged in exploration, discovery or exploitation of natural resources as his principal vocation, or by an employee or representative of such person, who requires the use of a passenger automobile or motorcycle to travel from one place to another (but not from home or lodgings to a fixed place of work or between fixed places of work) for performing services necessary for the exploration, discovery, or opening of natural resources to obtain necessary war materials, or to transport materials or equipment necessary to perform such services. However, no mileage may be allowed under this subparagraph to a person while engaged in sales, sales promotion, buying (other than the purchase or lease of oil, gas, or mineral bearing lands or rights to other natural resources), or advertising activities or activities which are performed primarily for the purpose of creating or maintaining good will.

(7) By an employee or owner of a carrier (other than a common carrier) performing services essential to the community or the war effort for necessary travel from one place to another (but not from home or lodgings to a fixed place or places of work) for the purpose of supervising the operation or functioning of the commercial motor vehicles of such carrier regularly used for the carrying of property other than for delivery to the ultimate consumer for personal, family or household use. However, no mileage may be allowed under this subparagraph to such supervisor while engaged in advertising, buying, sales, or sales promotion activities, activities performed primarily for the purpose of creating or maintaining good will, making claim adjustments, collecting payments, or delivery by passenger automobile for resale.

(r) By members of the armed forces of the United States, or State military forces organized pursuant to section 61 of the National Defense Act, as amended, for necessary transportation between home or lodgings and post of duty (but not for transfer from post to post), or on official business where no military vehicle is available. The applicant must, however, present to the Board a certification or statement as follows:

(1) An application for mileage for travel between home or lodgings and post of duty must be certified, as indicated thereon, by an official in charge of an organized transportation plan if there is such a plan in operation at the applicant's post of duty.

(2) An application for mileage for travel on official business must be certified, as indicated thereon, by a government Mileage Administrator (or by his authorized agent) if one has been designated to exercise authority to certify such applications on behalf of the specified branch of the armed services in respect to which the application is made.

(3) If there is no person who is authorized to certify the application as provided in subparagraphs (1) and (2), the applicant shall present a statement from his commanding officer, which sets forth the following:

(i) The mileage sought is for necessary transportation between home or lodgings and post of duty (but not for transfer from post to post), or on official business;

(ii) No adequate quarters can be provided for the applicant at his post of duty or that the applicant's duties require frequent travel on official business;

(iii) No other practicable means of transportation are available and no military vehicle can be supplied for the applicant's use; and

(iv) The commanding officer will take all reasonable steps to insure that the vehicle will be used for the purpose for which the application is made, and that every effort is made by the applicant to transport as many passengers as possible, consistent with the capacity of the vehicle.

(s) In a motorcycle, for delivery or messenger service; or in a passenger automobile, for the delivery of telegrams by a person regularly engaged in that business.

(t) By a person regularly engaged in the business of dealing in scrap materials for locating and accumulating scrap metals, or other scrap materials essential to the war effort: *Provided*, That no preferred mileage shall be allowed under this paragraph unless the applicant presents to the Board a certification by the Regional Salvage Manager of the War Production Board, or the District Chief of the appropriate section of the Conservation Division of the War Production Board, that travel by the applicant for such purpose is essential to the war effort.

(u) By a full-time social worker employed by a bona fide non-profit agency, for necessary travel (but not from home or lodgings to a fixed place of work) for one or more of the following purposes: to investigate the necessity for relief or

to administer relief; to arrange for the placement of minors or aged, handicapped or indigent persons in foster homes or in institutions, and to inspect such foster homes or institutions; to investigate reported abuse, neglect or delinquency of minors; or to transport minors or aged, handicapped or indigent persons to foster homes or institutions or to transport persons to hospitals or clinics for treatment or diagnosis: *Provided*, That the applicant must present to the Board a statement from a responsible official of such social agency setting forth:

(1) That the mileage sought is for necessary travel to be driven by a full-time social worker to perform one or more of the purposes specified in this paragraph; and

(2) That the social agency employing such worker is either:

(i) Licensed by the appropriate governmental authority; or

(ii) A member of the local Community Chest, the local Council of Social Agencies, the State Conference of Social Work, the Family Welfare Association of America, the Child Welfare League of America, or the National Travelers Aid Association; or

(iii) A bona fide non-profit agency carrying on one or more of the purposes specified in this paragraph, as evidenced by a certification of that fact by a responsible official of a social agency specified in (i) or (ii) hereof. Such certification shall be attached to the official statement.

(x) By the following persons for the following purposes:

(1) A duly authorized official, employee, agent or representative of the American Red Cross, either in a passenger automobile or motorcycle owned or leased by the American Red Cross, or in a passenger automobile or motorcycle not owned or leased by the American Red Cross if compensation is paid by the American Red Cross for the performance of such business and for the use of such passenger automobile or motorcycle.

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed performance of official business.

(2) A member of a War Price and Rationing Board, for travel between home or lodgings and the place at which such Board conducts its business.

(3) A member of a Selective Service Board, an appeal agent or a member of an Appeal Board of the Selective Service System, for travel between home or lodgings and the place at which the business of the Selective Service System is conducted.

(4) A volunteer fireman (including a member of the Forest Fire Fighters Service of the Office of Civilian Defense), a volunteer policeman, or a member of a state, county or local committee organized by the United States government or an agency thereof to promote the sale of United States government securities, for the performance of their official duties.

(i) Daily or periodic travel between home or lodgings and a fixed place of

work shall not be deemed performance of official duties.

(ii) No preferred mileage shall be allowed for travel on which the applicant is not exclusively engaged in the performance of his official duties.

(5) A States War Inspection Service Volunteer of the Office of Civilian Defense who is certified by a Regional Industrial Protection Officer of the Office of Civilian Defense to be a States War Inspection Service Volunteer for travel in the performance of his official duties. Such certification shall also state the estimated number of inspections to be made by the applicant during the three month period following the date of application and the estimated mileage required for such inspection work.

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed performance of official duties.

(6) A State Director or Assistant State Director of the National War Fund, for the performance of the official business of the National War Fund.

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed performance of official business.

(ii) No preferred mileage shall be allowed for travel on which the applicant is not exclusively engaged in the performance of his official duties.

(7) A duly authorized representative of the United Service Organizations, Inc. for travel in a passenger automobile or motorcycle on the official business of the United Service Organizations, Inc. if the vehicle is owned or leased by the United Service Organizations, Inc. or if the representative receives compensation from the United Service Organizations, Inc., for the vehicle used by him in such travel and for his personal services.

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed travel to supervise the activities of the United Service Organizations.

(8) A member of a County or Local Salvage Committee sponsored by the War Production Board for travel on the official business of such Committee.

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed performance of official business.

(ii) No mileage in excess of the general limitation of an average of 400 miles per month in Area A for non-preferred occupational mileage (475 miles per month in Area B and 325 miles per month in the gasoline shortage area) shall be allowed under this subparagraph (8) unless such excess mileage is for travel on which the applicant is exclusively engaged in the performance of his duties as such member, and such excess mileage for such purpose shall not exceed an average of 360 miles per month for any one vehicle or for any such member.

(9) A Civil Air Patrol instructor for travel to and from a place of instruction where pre-flight training courses are given to Civil Air Patrol cadets provided the application is certified by a certifying officer assigned to the Civil Air Patrol Program by the United States Army Air Forces.

(y) By a person regularly engaged in the business of dealing in used automotive parts for the travel required in locating and accumulating such parts. No preferred mileage shall be allowed under this paragraph unless the applicant presents to the Board a certification by the Regional Automotive Representative of the War Production Board, or the Chief of the appropriate section of the Automotive Division of the War Production Board, that travel by the applicant for such purpose is essential to the war effort.

(z) (1) By a full-time compensated employee of a bona fide non-profit organization, chartered by the United States or by any State and organized principally for assisting farmers, having a membership of not less than one hundred persons with a majority of such membership primarily engaged in operating farms, for necessary travel to, from or between agricultural establishments, meetings of farmers or plants of farmers' cooperatives for one or more of the following purposes of such organization:

(i) Assisting farmers in increasing their production of food.

(ii) Organizing or assisting farmers' cooperatives engaged in cooperative marketing of the products of their farms or cooperative buying of supplies, livestock or equipment necessary for the operation of their farms.

(iii) Organizing or assisting farmers in the cooperative use of farm livestock, machinery or equipment.

(2) No preferred mileage shall be allowed under this paragraph to any person for travel between home and a fixed place of work or for travel while engaged in merchandising or sales activities or retail or wholesale delivery.

§ 1394.7707 Additional mileage allowances. (a) In any case where the applicant or person entitled to the use of a vehicle requires mileage under any of the circumstances described in subparagraphs (1), (2) and (3) of this paragraph, and the driving to be performed in such circumstances is not preferred mileage, the Board, upon approval of the District Director, may allow such mileage, to the extent required for such driving. If any mileage is allowed pursuant to this section, no mileage shall be allowed for driving in course of work, unless the driving in the course of work consists of preferred mileage as defined in § 1394.7706, or semi-preferred mileage as defined in § 1394.7708:

(1) Where application is made in Area A and the applicant or person entitled to the use of the vehicle requires more than 400 miles per month for driving between home and a fixed place or places of work, or between fixed places of work, in connection with his principal occupation.

(2) Where application is made in the gasoline shortage area and such person requires more than 325 miles per month for driving between home and a fixed place or places of work, or between fixed places of work, in connection with his principal occupation.

(3) Where application is made in Area B and such person requires more than 475 miles per month for driving between home and a fixed place or places of work, or between fixed places of work, in connection with his principal occupation.

(b) An applicant for additional mileage under this section must establish by clear and convincing proof that: (1) a bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) are regularly carried in the vehicle for the purpose of going to and from their occupations, or that no such ride-sharing arrangement exists but that the vehicle carries as many persons as could reasonably be expected under the circumstances, and (2) there are no reasonably adequate alternative means of transportation.

(c) If the applicant meets the requirements of paragraph (b) of this section the Board may tentatively issue a ration pursuant to § 1394.7705 which does not include the additional mileage claimed by the applicant, unless such ration has already been issued, and may forward the application to the District Director. Each application shall be accompanied by a recommendation in writing by the Board stating any pertinent facts in addition to those stated in the application, the additional mileage which the Board recommends be allowed for such driving, and the reasons for its recommendation. The Board shall notify the applicant of the amount of additional mileage it has recommended, or of its refusal to make a recommendation.

(d) The District Director, or a person designated by him, shall receive and consider any further evidence presented by the applicant and may require the applicant to appear before him for examination and to produce such witnesses or evidences as he may deem material. The District Director shall pass upon the application and the Board's recommendation and shall promptly notify the Board of his decision and return the application to the Board. If the recommendation of the Board is approved in whole or in part, the Board shall: (1) require the applicant to surrender any supplemental ration previously issued for use with the vehicle, and (2) issue a new supplemental ration pursuant to § 1394.7705, in the amount of the total mileage allowed pursuant to paragraph (a) of this section and § 1394.7704.

Any person may appeal to the Regional Administrator from an adverse decision of the District Director, pursuant to Procedural Regulation No. 9.

(e) Notwithstanding any other provisions of this section, the District Director, in his discretion, may authorize any Board located within his district to allow and issue such a ration without obtaining his consent in advance of issuance, subject, however, to such procedure as the District Director may prescribe.

§ 1394.7708 Semi-preferred mileage. Occupational mileage driven in a passen-

7 F.R. 8796; 8 F.R. 856, 1838, 2030, 2595, 2941, 4350, 4929, 7381, 11480, 11806, 12482, 14211; 9 F.R. 1594, 4539.

ger automobile or motorcycle by the owner or person entitled to the use thereof, which is not deemed preferred mileage under any paragraph of § 1394.7706, and which is driven by the persons for purposes listed below in paragraph (a) shall be deemed semi-preferred mileage.

(a) By the following persons for the following purposes:

(1) By any person for necessary travel to and return from an establishment or facility listed in § 1394.7706 (c), or construction job which will be such an essential establishment or facility when completed:

(i) For the purpose of performing services necessary to the operation or functioning, as that phrase is defined in § 1394.7706 (c), of such establishment or facility, or to the completion of such construction job. Buying, selling or promoting good will, in and of themselves, do not make a person eligible under this subdivision.

(ii) For the purpose of performing accounting or legal services necessary for the administration of such establishment, facility, or construction job.

(iii) For the purpose of inspecting physical property if the inspection is necessary for making a business loan to such establishment, facility, or construction job.

(iv) For the purpose of inspecting physical property if the inspection is necessary for adjusting and settling property insurance damages claimed by such establishment, facility, or construction job (but excluding a person who engages in selling insurance).

(2) By a person highly skilled in inspecting, grading and classifying commodities, for necessary travel from place to place to buy commodities for the account of establishments or facilities listed in § 1394.7706 (c) or construction jobs which will be such essential establishments or facilities when completed. Use of the commodities must be necessary to the operation or functioning, as that phrase is explained in § 1394.7706 (c), of such essential establishments or facilities, or to completion of such construction jobs. No mileage may be allowed under this subparagraph for use by a person who is compensated by any person from whom he buys, and no mileage may be allowed to a person for use while engaged in sales promotion activities at the same time he is engaged in buying.

(b) The total occupational mileage allowable as semi-preferred mileage, when added to any non-preferred occupational mileage allowed for use in such vehicle, shall not exceed an average of 825 miles per month. (Any mileage allowed pursuant to § 1394.7707 (a) is non-preferred occupational mileage.)

(c) No mileage may be allowed under this Section for driving between home and a fixed place or places of work or between fixed places of work. Such mileage in excess of an average of 400 miles per month in Area A (475 miles per month in Area B and 325 miles per month in the gasoline shortage area) is additional mileage and may be allowed only in accordance with § 1394.7706 or § 1394.7707.

OFFICIAL AND FLEET RATIONS FOR OFFICIAL AND FLEET PASSENGER AUTOMOBILES AND MOTORCYCLES

§ 1394.7751 Official and fleet rations for passenger automobiles and motorcycles. (a) The following coupons and ration checks for use with registered passenger automobiles and registered motorcycles which are owned or leased by a Federal, State, local or foreign government or government agency (other than passenger automobiles and motorcycles owned or leased and operated by the armed forces of the United States or by State military forces organized pursuant to section 61 of the National Defense Act, as amended) or which are part of a fleet shall be issued by a Board as rations to persons entitled to receive them under the provisions of § 1394.7752 to provide for occupational mileage to the extent that such mileage is allowed by a Board in accordance with § 1394.7754:

(1) Class B or Class C coupons in strip form bearing serial numbers in consecutive order and accompanied by a folder for use with passenger automobiles;

(2) Class D coupons in strip form bearing serial numbers in consecutive order and accompanied by a folder marked "Official" or "Fleet" for use with motorcycles;

(3) One or more ration checks issued pursuant to § 1394.8006 (b), § 1394.7755 (b) or § 1394.7805 (d).

(b) Official or fleet rations shall be issued in Class B, C or D coupons in the number specified in the tables set forth in §§ 1394.7705 and 1394.7755 (according to the type of coupon and the area in which it is issued) necessary to provide the mileage allowed by the Board. Serially numbered coupons issued in strip form shall authorize the transfer of gasoline to consumers on and after the validity date, which shall be noted on the accompanying folder by the Board, until such rations or coupons expire or are revoked.

§ 1394.7752 Persons entitled to official and fleet rations. (a) Subject to the provisions of paragraph (b) hereof, the owner or the person entitled to the use of an official motor vehicle may obtain an "official" ration and the owner or the person entitled to the use of a registered passenger automobile or a registered motorcycle (other than an official motor vehicle) which is a part of a fleet may obtain a "fleet" ration providing for occupational mileage to the extent that such mileage is allowed by a Board in accordance with § 1394.7754.

(b) Such official or fleet ration shall not be issued and may not be obtained for use with a passenger automobile or motorcycle which is held by a motor vehicle dealer for sale or resale, or for use with a vehicle available for public rental, or for use with a vehicle registered in Canada and normally garaged or stationed outside the continental limits of the United States.

§ 1394.7753 Application for official and fleet rations. (a) Application for official and fleet rations shall be made to a Board on Form OPA R-551. An application may cover one or more vehicles and may be signed by an agent. An ap-

plicant shall establish the average monthly occupational mileage within the continental United States required for each vehicle covered in the application or required for each of a group of vehicles used interchangeably for carrying on the same or a related occupation or occupations during the three-month period beginning with the date on which the ration is required.

(b) Each application for official rations must be certified by a Government Mileage Administrator (or by his authorized agent) if one has been designated by the government or government agency to exercise authority to certify such applications on behalf of the unit of government or the specified branch thereof which owns or leases the vehicle for which application is made. If no such Government Mileage Administrator has been designated, such application must be certified by an officer empowered to authorize or supervise travel for the government or government agency which owns or leases the vehicle for which the ration is sought.

§ 1394.7754 Allowance of mileage.

(a) No occupational mileage shall be allowed by a Board unless the applicant establishes in connection with such mileage, either:

(1) That transportation is needed for such occupational purposes, and that no alternative means of transportation are available which would be reasonably adequate within the meaning of § 1394.7704; or

(2) That a bona fide ride-sharing arrangement has been made in connection with the use of the vehicle or vehicles for such purposes, pursuant to which at least four persons (including the driver) will regularly be carried in the vehicle in connection with their occupations, and that transportation is required for such purposes: *Provided*, That the names and addresses of all persons (other than the drivers of the vehicles) participating in the ride-sharing arrangement shall be set forth on separate sheets and attached to the application: *Provided further*, That a board having jurisdiction over an area (i) which is adequately served by subway, elevated railroad, or railroad commutation service, or (ii) which has been determined by the Regional Administrator or Deputy Administrator in Charge of Rationing to be adequately served by other means of public transportation, shall allow mileage claimed with respect to which a ride-sharing arrangement has been made only if the applicant establishes that the use of such subway, elevated railroad, railroad commutation service or other means of transportation would not be reasonably adequate for the purpose for which such mileage is claimed.

(b) Subject to the provisions of paragraph (a) of this section, the Board shall allow the total average occupational mileage per month determined by it to be required for driving within the continental United States, during the three month period specified in § 1394.7753 and shall issue a ration in accordance with the provisions of § 1394.7755 to provide such mileage: However, no Board may allow an average mileage for any one vehicle or an aver-

age mileage per vehicle for any group of vehicles in excess of the maximum set forth below, unless the mileage in excess of any such maximum is defined as preferred mileage under the provisions of § 1394.7706 or as semi-preferred mileage under the provisions of § 1394.7708.

(1) If the Board is in Area A the maximum average mileage is 400 miles per month.

(2) If the Board is in the gasoline shortage area the maximum average mileage is 325 miles per month.

(3) If the Board is in Area B the maximum average mileage is 475 miles per month.

§ 1394.7755 Issuance of official and fleet rations. (a) Official and fleet rations shall be issued to provide the total mileage allowed by the Board in accordance with § 1394.7754. The Board shall issue the ration in the form of Class B, C or D coupons, which shall be in strip form, shall bear serial numbers in consecutive order and shall be accompanied by a folder. The person issuing the ration shall note on each folder issued the date of issuance as the date on which the coupons become valid and the earliest renewal date three months from the date of issuance. The number of coupons issued shall be determined as follows:

(1) In the case of passenger automobiles for which application for official or fleet rations is made in Area A, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 400 miles per month or less: Class B coupons in the number specified in Table I in § 1394.7705 (a) (4) for the mileage allowed.

(ii) In the event that the mileage allowed by the Board pursuant to § 1394.7754 (b) exceeds 400 miles per month: Class C coupons in the number specified in Table II in § 1394.7705 (a) (4) for the mileage allowed.

(2) In the case of passenger automobiles for which application for official and fleet rations is made within the gasoline shortage area, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 325 miles per month or less: Class B coupons in the number specified in Table IA in § 1394.7705 (a) (4) for the mileage allowed.

(ii) In the event that the mileage allowed by the Board pursuant to § 1394.7754 (b) exceeds 325 miles per month: Class C coupons in the number specified in Table IIA in § 1394.7705 (a) (4) for the mileage allowed.

(3) In the case of passenger automobiles for which application for official or fleet rations is made in Area B, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 475 miles or less: Class B coupons in the number specified in Table IB in § 1394.7705 (a) (4) for the mileage allowed.

(ii) In the event that the mileage allowed by the Board pursuant to § 1394.7754 (b) exceeds 475 miles per month: Class C coupons in the number specified in Table IIB in § 1394.7705 (a) (4) for the mileage allowed.

(4) In the case of a motorcycle the Board shall issue Class D coupons in strip

form bearing serial numbers in consecutive order and issued in connection with a folder (to be marked "Fleet" if issued for use with a fleet motorcycle and "Official" if issued for use with an official motorcycle) containing the number of coupons specified in Table IIIC to provide the mileage allowed by the Board. The Board shall note the date of issuance on such folders as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

TABLE IIIC—DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION FOR MOTORCYCLES IN AREA A, AREA B AND IN THE GASOLINE SHORTAGE AREA

For motorcycles not entitled to basic rations.

All allowed mileage in excess of 400 miles per month in Area A, 475 miles per month in Area B and 325 miles per month in the gasoline shortage area must be preferred mileage or semi-preferred mileage.

Miles per month:	"D" coupons for 3 months
Up to 20.....	1
21-40.....	2
41-60.....	3
61-80.....	4
81-100.....	5
101-120.....	6
121-140.....	7
141-160.....	8
161-180.....	9
181-200.....	10
201-220.....	11
221-240.....	12
241-260.....	13
261-280.....	14
281-300.....	15
301-320.....	16
321-340.....	17
341-360.....	18
361-380.....	19
381-400.....	20
401-420.....	21
421-440.....	22
441-460.....	23
461-480.....	24
481-500.....	25
501-520.....	26
521-540.....	27
541-560.....	28
561-580.....	29
581-600.....	30
601-620.....	31
621-640.....	32
641-660.....	33
661-680.....	34
681-700.....	35
701-720.....	36
721-740.....	37
741-760.....	38
761-780.....	39
781-800.....	40
801-820.....	41
821-840.....	42
841-860.....	43
861-880.....	44
881-900.....	45
901-920.....	46
921-940.....	47
941-960.....	48
961-980.....	49
981-1,000.....	50
1,001-1,020.....	51
1,021-1,040.....	52
1,041-1,060.....	53

NOTE: In the event the allowed mileage exceeds 1,060 miles, one additional coupon shall be allowed for each 20 miles, or fraction thereof, of allowed mileage in excess of 1,060 miles.

(b) If it is necessary for the applicant to receive bulk transfers of gasoline

and if he meets the requirements of § 1394.8006 in regard to bulk transfers or, if the applicant is a government, government agency or government subdivision and if it is entitled to acquire gasoline upon a delayed settlement basis in the manner provided in § 1394.8153a, the Board may issue one or more ration checks. The Board shall first determine the type, number and earliest renewal date of the ration coupons to which the applicant is entitled; it shall then issue a ration check or checks to the extent requested by the applicant, in an amount equal to the gallonage value of the coupons to which the applicant is entitled in lieu of which ration checks are issued. At the time of issuance of any ration check, the Board shall note upon the application for a gasoline ration the earliest renewal date of the ration and the gallonage value of the ration checks issued.

(c) For the purposes of paragraph (a) of this section, a passenger automobile is conclusively presumed to operate 15 miles, and a motorcycle 40 miles, per gallon of gasoline.

§ 1394.7756 *Interchangeable official or fleet rations.* An applicant for an official or fleet ration may request the Board to note on the folder accompanying the ration coupons issued, the name or other identification of the official vehicles or the fleet, in lieu of the registration number of the particular vehicle. The Board may grant such request with respect to any official or fleet vehicles which are used interchangeably and which bear a clearly discernible official or fleet name, identification or designation. Whenever any folder issued in connection with Class B, C, or D coupons issued as an official or fleet ration bears such an identification made by a Board, the coupons identified on such folder may be used interchangeably for all official or fleet vehicles bearing such identification.

§ 1394.7757 *Issuance of rations for use with vehicles operated on dealer plates.*

(a) Notwithstanding any other provision of this order a ration may be issued by a Board to provide solely for the occupational mileage (other than for demonstration purposes) to be driven in an unregistered passenger automobile or motorcycle regularly operated on dealer or other interchangeable license plates if the operation of such vehicle on such plates is permissible under the law of the State issuing the plates. However, no ration may be issued pursuant to this paragraph for use with a 1942 passenger automobile held by an automobile dealer for sale or resale pursuant to Ration Order No. 2B, or for use with a motor vehicle normally garaged or stationed in Canada.

(b) Application for such ration shall be made to a Board on Form OPA R-551. The applicant shall annex to the application a written statement showing the Federal Use Stamp number and the engine number of the vehicle.

(c) If the Board finds the facts stated on the application to be true, it shall determine the allowed mileage for such vehicle in accordance with the provisions of § 1394.7754, and shall issue a ration in accordance with § 1394.7755

(a), (b) and (c). The Board issuing the ration shall, at the time of issuance, make a clear notation of the Use Tax Stamp number on the cover of the folder and, in the space provided for the license number, shall insert the engine number of such vehicle and the words "dealer plates." The Board shall note on the folder and on the application the date on which the coupons become valid and the earliest renewal date.

§ 1394.7758 *Issuance of rations to lessees of passenger automobiles or motorcycles available for public rental.*

(a) The lessee of a vehicle available for public rental who holds such vehicle under a lease for a term of more than thirty consecutive days, or the lessee of a motorcycle, may apply for a ration for use in such vehicle to provide gasoline for the occupational mileage to be driven therein during the term of the lease. However, no ration may be issued pursuant to this section for use with a motor vehicle registered in Canada and normally garaged or stationed outside the continental limits of the United States.

(b) Application for such ration shall be made to a Board on Form OPA R-551. The applicant shall establish the average monthly occupational mileage within the continental United States required for such vehicle, or required for each of a group of such vehicles used interchangeably for carrying on the same or a related occupation or occupations, during the three month period beginning with the date on which the ration is required, or during the remaining term of the lease, whichever is less.

(c) If the Board finds the facts stated on the application to be true, it shall determine the allowed mileage for such vehicle in the manner provided in § 1394.7754 and shall issue a ration in accordance with the provisions of paragraphs (a), (b), (c) and (e) of § 1394.7755 except as otherwise provided herein.

If the term of the lease remaining from the date of issuance of the ration is less than three months, the Board shall issue coupons only in sufficient number to provide the allowed mileage for the remaining term of the lease. In such a case the ration shall expire on the date on which the lease terminates, and the Board shall not note an earliest renewal date on the folder issued, but shall write on the outside front cover of the folder the date on which the lease terminates, and that the ration will expire on that date.

TRANSPORT RATIONS

§ 1394.7801 *Transport rations.* (a) Subject to the provisions of § 1394.7802, transport rations shall be issued by a Board to permit the acquisition of gasoline required for the propulsion of registered and unregistered commercial motor vehicles and motor vehicles owned or leased by and operated by the State military forces organized pursuant to section 61 of the National Defense Act, as amended. Except as otherwise provided in §§ 1394.7802 and 1394.7805, transport rations shall be issued for use during fixed calendar quarterly periods of three months.

§ 1394.7802 *Persons entitled to transport rations.* Subject to the provisions of § 1394.7805, the owner or the person entitled to the use of a commercial motor vehicle for which a Certificate of War Necessity has been issued may obtain a transport ration authorizing the acquisition of the maximum number of gallons of gasoline allowed for the operation of such vehicle for the quarterly period during which the ration is to be used, as set forth in such certificate. The owner or person entitled to the use of a motor vehicle which is owned or leased by and operated by the State military forces organized pursuant to section 61 of the National Defense Act, as amended, may obtain a transport ration authorizing the acquisition of the number of gallons of gasoline required for the operation of such vehicle during the quarterly period for which the ration is to be used.

§ 1394.7803 *Transport ration coupons.* (a) Class T coupons, and, in the case of motorcycles owned or leased by and operated by the State military forces organized pursuant to section 61 of the National Defense Act, as amended, Class D coupons shall be issued as transport rations. All Class T and Class D coupons shall be issued in strip form, and the coupons shall bear serial numbers in consecutive order. A folder shall be issued with such coupons which shall identify the coupons with the vehicle or fleet (the folder issued with Class D coupons shall be marked "Transport") and the owner of the vehicle or fleet for which the ration is issued.

(b) Serially numbered Class T and D coupons issued as a transport ration shall authorize the transfer of gasoline only during the period noted by the Board on the folder which it issues with such coupons.

§ 1394.7804 *Application for transport rations.* (a) Application for a transport ration may be made to a Board on Form OPA R-536. Application may be made by the owner or person entitled to the use of the vehicle, or by the authorized agent of either of them. A single application may be used for each fleet of vehicles or each group of fleet vehicles for which the applicant seeks a transport ration. A separate application must be used for each vehicle which is not a part of a fleet.

(b) In the event application is made for a transport ration for use with a commercial motor vehicle for which a Certificate of War Necessity has been issued, the application shall be accompanied by the single unit certificate issued for the vehicle or, in the case of a fleet of commercial vehicles, by the fleet certificate issued for such fleet. If the applicant requires, during the period, less than the maximum number of gallons of gasoline allowed by such certificate for the vehicles covered by the application, the applicant shall state the amount of gasoline required by him.

(c) In the event application is made for a transport ration for use with a motor vehicle owned or leased by and operated by the State military forces organized pursuant to section 61 of the National Defense Act, as amended, the

application shall state the number of gallons required during the quarterly period for which the ration is sought for all operations of the vehicle, or in the case of a fleet, for all of the vehicles for which a ration is sought.

§ 1394.7805 *Allowance and issuance of transport rations—(a) Presentation of certificate of war necessity.* No transport ration shall be issued unless:

(1) The applicant has presented to the Board, at the time of application, a currently valid single unit certificate or, in the case of a fleet, a fleet certificate issued for the fleet for which a ration is sought; or

(2) The ration is sought for use with a motor vehicle owned or leased by the armed forces as provided in paragraph (c) of this section.

(b) *Allowance of ration for vehicles operated under certificate of war necessity.* When an application is made for a transport ration for use with a motor vehicle operated under a certificate of war necessity, the Board shall examine the single unit certificate or the fleet certificate submitted and shall insert at the appropriate place provided in the application the maximum number of gallons of gasoline allowed by the certificate for the quarterly periods indicated thereon.

Except as provided in §§ 1394.8051 (b) (2) and 1394.8052 (e), the Board shall allow the maximum number of gallons of gasoline certified in the Certificate of War Necessity for the quarterly period for which the ration is sought or the quantity of gasoline which the applicant states he requires for that period, whichever amount is less. The Board shall issue ration evidences in accordance with the provisions of paragraph (d) of this section, to provide the number of gallons of gasoline which it has allowed.

(c) *Allowance of rations for vehicles owned or leased by the armed forces.* When an application is made for a ration for use with a motor vehicle which is owned or leased by and operated by the State military forces organized pursuant to section 61 of the National Defense Act, as amended, no Certificate of War Necessity is required. In such a case, the Board shall allow the applicant the number of gallons of gasoline requested by the applicant for the calendar quarterly period during which the ration is to be used. The Board shall issue ration evidences in accordance with the provisions of paragraph (d) of this section, to provide the number of gallons of gasoline which it has allowed.

(d) *Issuance of transport rations.* In respect to motor vehicles, other than motorcycles, the Board shall issue a sufficient number of Class T coupons, and in respect to motorcycles, a sufficient number of Class D coupons, bearing consecutive serial numbers, to provide the number of gallons of gasoline allowed. The Board shall issue with such coupons a folder, and shall note on the folder the serial numbers of the coupons issued, the date of issuance and expiration, the identification of the vehicle or fleet and shall mark the folder issued in respect to motorcycles "Transport". However, if it is necessary for the applicant to receive bulk transfers of gasoline and if he meets

the requirements of § 1394.8006, in regard to bulk transfers, or if the applicant is entitled to acquire gasoline upon a delayed settlement basis in the manner provided in § 1394.8153a, the Board may issue one or more ration checks to provide all or any part of the gallonage allowed. At the time of issuance of any ration check, the Board shall note upon the application for a gasoline ration the expiration date of the ration and gallonage value of ration checks issued.

(e) *Compliance with orders of the Office of Defense Transportation.* No transport ration issued for a vehicle for the operation of which a certificate of war necessity is required may be used with any vehicle on which the tires have not been inspected and approved in accordance with any applicable rule, regulation or order of the Office of Defense Transportation, or of the Office of Price Administration.

§ 1394.7806 *Transport ration for equipment mounted on commercial motor vehicles.* Notwithstanding any other provisions of this order, the applicant for a ration for use with a commercial motor vehicle upon which is mounted and permanently attached machinery or equipment which is operated by gasoline supplied from a fuel tank other than the fuel supply tank of the motor vehicle may set forth in his application for a transport ration for such vehicle the amount of gasoline needed for the operation of such machinery or equipment during the period for which the transport ration is sought. The Board shall ascertain and allow the amount of gasoline needed for such purpose during such period and shall include in the transport ration issued for such vehicle a sufficient number of coupons to provide gasoline to operate such machinery or equipment during such period.

§ 1394.7807 *Interchangeable transport rations.* An applicant for a transport ration for use with fleet vehicles may request the Board to note, on the folder accompanying the Class T coupons, or Class D coupons, a clearly discernible name or other identification of the fleet, or if the vehicles bear no clearly discernible name or identification, the serial number of the fleet certificate issued for such vehicles, instead of the registration number of a particular vehicle. The Board may grant such a request with respect to any vehicles in the fleet which are used interchangeably and which bear a clearly discernible fleet name, identification or designation, or, in the absence of such designation, with respect to any vehicles for which a fleet certificate has been issued. Whenever any folder is issued in connection with Class T or Class D coupons issued as a Transport ration bears a notation made by the issuing Board of a fleet identification or a fleet certificate number, the coupons identified on such folder may be used interchangeably for all vehicles in the fleet bearing such identification or covered by such fleet certificate.

SPECIAL RATINGS

§ 1394.7851 *Application for special ration.* (a) The owner or person en-

titled to the use of a motor vehicle, or of a boat or outboard motor who finds that transportation in such vehicle, or boat, is necessary for one or more of the purposes specified in paragraph (b) of this section, and who finds that a ration issued for such vehicle or boat is not sufficient to permit its necessary use for such purpose, may apply to a Board for a special ration. Application for a special ration on behalf of an individual may not be signed by an agent. A special ration may be issued for any period up to six months from the date of application.

(b) Special rations shall be issued in order to permit the acquisition of gasoline for one or more of the following purposes:

(1) For use with a passenger automobile, motorcycle, or motorboat:

(i) To procure necessary food or supplies, or to obtain necessary medical attention or therapeutic treatment, including the transportation of a patient from the place where he has obtained medical attention or therapeutic treatment to his home or lodgings. However, no special ration shall be issued for the purpose of obtaining food or supplies for use in connection with the operation of a business or occupation, or for transportation of food or supplies to an occupant of a temporary or seasonal home or lodging unless he is required to live in such home or lodging because of his occupation.

(ii) To move such a vehicle or boat in connection with a bona fide change of the regular place of residence of the person entitled to the use thereof except when such movement will originate and end at a point located in Canada, or when the change of residence will be from one place in Canada to another place in Canada; or to return such a vehicle or boat to the regular place of residence of the person entitled to the use thereof on December 1, 1942 if such vehicle or boat has been continuously away from such place of residence since that date, except that if such place of residence and such vehicle or boat were, on December 1, 1942, within the limitation area, no such ration shall be issued unless such vehicle or boat has been continuously away from the regular place of residence of the person entitled to the use thereof since August 22, 1942.

However, no special ration for use with such a motor vehicle shall be issued under this subdivision unless any outstanding supplemental ration issued for use with such vehicle is first surrendered to the Board to which application for the special ration is made. If a currently valid supplemental ration is surrendered, the Board may include in the special ration an allowance of gasoline for occupational mileage sufficient to cover the applicant's occupational driving requirements for the period between the date of issuance of the special ration and the change of residence. In such a case, the Board shall not allow gasoline for occupational mileage in excess of the proportionate amount of gasoline allowed to the applicant for that period on the basis of such supplemental ration or in excess of the amount of gasoline repre-

sented by the surrendered portion of such ration.

(iii) To transport a person who is called, or is serving, as a juror on a grand or petit jury in criminal or civil cases, between his home or lodgings and the place where he is required to be present for jury service: *Provided*, That the applicant shall present to the Board a statement from the presiding judge or officer responsible for the attendance of jurors setting forth that the presence of the applicant is required for jury service and the number of miles necessary to provide the required transportation.

(2) For use with a passenger automobile or motorcycle:

(i) To transport the personnel and equipment of a scientific expedition organized or sponsored by a recognized scientific or educational institution or organization, if the Board finds that such expedition is in the public interest;

(ii) To carry persons to and from the polls for the purpose of voting in public elections (including primary elections); or to act as duly appointed election officials or poll watchers; or by a duly qualified and bona fide candidate for public office for purposes essential to the prosecution of his candidacy; or by the duly appointed principal campaign manager of a duly qualified and bona fide candidate for a state or federal public office, for the purpose of managing the political campaign of such candidate.

(a) When application is made for a special ration for the principal campaign manager of a duly qualified and bona fide candidate for a state or federal public office, the candidate shall certify to the Board that travel by the applicant is necessary to conduct the campaign, and that such applicant has been duly appointed his principal campaign manager. Only one campaign manager for each such candidate during any one period of time may be issued a ration under this subdivision.

No ration shall be issued, under this subdivision, for use by the principal campaign manager which will allow an average mileage in excess of the maximum set forth below:

1. If application is made in Area A, the maximum mileage is 400 miles per month.

2. If application is made in Area B, the maximum mileage is 475 miles per month.

3. If application is made in the gasoline shortage area, the maximum mileage is 325 miles per month.

The total mileage that may be issued for the purpose, as a special ration or supplemental ration or both, may not exceed the maximum set forth in this subdivision.

(b) Where the law requires a person to satisfy certain conditions before his name may be placed on the ballot in an election (including a primary election), he is not a duly qualified candidate until he has met all those conditions. However, if the payment of a fee is one of those conditions and the fee has not been fixed sixty days before the election, the applicant is a duly qualified candidate within the meaning of this subdivision if the application is filed not earlier than sixty days before the elec-

tion and the Board is satisfied that he has met all the other conditions and that he will pay the fee as soon as it is fixed.

(iii) To transport a person to enable him to deliver telephone directories: *Provided*, That the applicant presents to the Board a statement from the delivery contractor employed by the telephone company to make such delivery, or from the employee of the telephone company who is responsible for such delivery if there is no contractor, setting forth:

(a) That there is no practicable means of delivering the telephone directories except by the use of a passenger automobile or motorcycle;

(b) The minimum mileage necessary to be driven by the applicant for making such delivery.

(iv) For the travel required to tow a house trailer for any of the following purposes:

(a) In connection with a bona fide change in residence of the person entitled to the use of such trailer.

(b) To a site where such trailer is to be used as necessary housing for a person in connection with his occupation.

(c) From the place of manufacture to a dealer outlet.

(v) To transport a person from his home or fixed place of work to enable him regularly to cultivate a garden, if an area of at least fifteen hundred (1500) square feet is devoted to the production of vegetables, and his labor is necessary for such cultivation. The application shall state the location of the garden and the distance between the garden and the applicant's home or fixed place of work, whichever will be the applicant's normal point of departure, and no ration shall be issued if this distance is more than fifteen miles. Any ration issued under this subdivision shall be subject to the following limitations:

(a) The applicant must show that a bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) will be regularly carried in the vehicle for the purpose for which the application is made, or that no such ride-sharing arrangement could reasonably be made but that the vehicle carries as many persons as could reasonably be expected in the light of the circumstances in which it is used. The applicant shall give proof of any ride-sharing arrangement by obtaining the signatures and addresses of the ride-sharers on the reverse side of the application.

(b) No ration may be issued which will provide mileage in excess of three hundred miles for use during the six-month period immediately following the date of the application.

(c) When more than one passenger automobile is used in the ride-sharing arrangement, all applications for such a ration by members of such an arrangement must be presented to the Board at the same time and the total ration issued for all vehicles in the group may not exceed three hundred miles.

(vi) To transport a representative of the National War Fund designated by the appropriate County Chairman, for the purpose of carrying on the official business of the National War Fund. A special ration issued under this sub-

division shall not provide mileage in excess of an average of 120 miles per week. Special rations under this subdivision shall not be issued for the same period for the transportation of more than two designated representatives in any county.

(a) The applicant shall present the certification of the appropriate County Chairman of the National War Fund, stating that the applicant is a duly accredited representative of the National War Fund and certifying the mileage needed by him for the performance of his official business and the period for which such mileage is required.

(vii) To transport a member of the armed forces who is on leave and is convalescing from illness or injury acquired on active duty, for the purpose of travel to and from his home or a resort or other place of recuperation. However, no ration shall be issued under this subdivision unless the applicant presents to the Board his official leave papers, together with a statement from the cognizant Medical Officer certifying that transportation by passenger automobile, rather than transportation by other means, will materially assist in the recovery of the applicant's health.

At the time of issuance of the ration the Board shall endorse upon the leave papers the Board's designation, the words "Medical Ration", the date of issuance, the expiration date of the ration and the number of gallons for which the ration is issued.

(ix) For the necessary travel of any person specifically designated by the Chairman of the Marketing Committee of the appropriate District of the Petroleum Administration for War, for the purpose of conducting a program of public or industry instruction approved by such Chairman in regard to the need for conserving gasoline and the methods of accomplishing such conservation.

(a) The applicant shall present to the Board a letter from such Chairman stating that travel by the applicant is necessary to conduct such gasoline conservation program. The letter shall also state the amount of mileage required by the applicant for such purpose and the period in which the necessary travel will be accomplished.

(b) No mileage shall be allowed under this subdivision to any person who will not devote his full time to the conservation program during the valid period of the ration.

(x) To transport any person to and from an agricultural or food processing establishment for the purpose of performing manual labor on a temporary basis which is necessary to the operation of such establishment. The issuance of any ration under this subdivision shall be subject to the following conditions:

(a) Travel must be necessary as a part of an organized government plan to facilitate food production.

(b) No Board may issue a ration unless it has been designated by the District Director to receive applications and issue rations in accordance with such government plans. The District Director shall designate an appropriate Board to issue such rations only where he finds that a government plan to facilitate food pro-

duction has been organized for a particular area and that the temporary labor of persons, who are not normally or regularly engaged in the production or processing of food, is required for the success of the plan.

(c) No ration may be issued to a person for use while engaged in sales, promotional or merchandising activities.

(d) No ration may be issued unless the applicant will carry four persons including the driver or as many persons as the capacity of the vehicle will permit.

(e) No ration may be issued unless the County Agricultural Agent or his farm-labor assistant recommends to the Board:

(1) That the work is essential;

(2) That the applicant and the persons who are to ride with him are capable of performing the particular job;

(3) The amount of mileage required by the applicant to travel to perform the work.

(xi) For necessary travel to transport a person to and from a place of interview with a specific prospective employer, when the interview has been arranged by the United States Employment Service, the Railroad Retirement Board Employment Service, a County Agricultural Agent or an Agricultural Extension Labor Office, or by a union designated by the War Manpower Commission to recruit labor. The applicant must present a United States Employment Referral Card or a Railroad Retirement Board Employment Card designating the name of the prospective employer and place of interview, if the referral is made by the United States Employment Service or by the Railroad Retirement Board Employment Service, or a written statement containing the same information, and signed by the County Agricultural Agent, an appropriate employee of the Agricultural Extension Labor Office, or the secretary of the local of a union designated to recruit labor, whichever is making the referral.

Special rations issued under this subdivision shall not exceed 400 miles for necessary travel in any thirty-day period by any person seeking employment.

At the time of the issuance of the ration, the Board shall note upon the referral card or statement the Board designation, and the number of miles allowed.

(xii) To operate such vehicle (not including a vehicle operated on behalf of a day nursery or pre-school nursery) for the purpose of transporting one or more children to and from a day nursery or pre-school nursery. No ration shall be issued under this subdivision which will allow an average mileage in excess of the maximum set forth below:

(a) If application is made in Area A, the maximum mileage is 400 miles per month;

(b) If application is made in Area B, the maximum mileage is 475 miles per month; and

(c) If application is made in the gasoline shortage area, the maximum mileage is 325 miles per month.

(3) For use with a motor vehicle or motorboat:

(i) To operate a motor vehicle or motorboat held by a motor vehicle or boat dealer for sale or resale, for the purpose of demonstrating such vehicle or boat to prospective purchasers: *Provided*, That no ration in excess of five gallons per month per vehicle or boat shall be granted for such purpose.

(ii) To move such vehicle or boat from a sales establishment or place of storage to another sales establishment or place of storage: *Provided*, That no ration in excess of five gallons per month per vehicle or boat shall be granted for such purpose unless the ration may be allowed pursuant to the provisions of § 1394.7851 (b) (7).

(iii) To operate a motor vehicle purchased or leased by the military or naval forces of the United States or State military forces organized pursuant to section 61 of the National Defense Act, as amended, from the place of purchase or lease to a place designated by such military or naval forces.

(iv) To move a motor vehicle owned or leased by the military or naval forces of the United States or State military forces organized pursuant to section 61 of the National Defense Act, as amended, from one military or naval facility to another military or naval facility when such movement is under the control and supervision of a private contractor.

(4) For use with a motor vehicle:

(i) To operate such vehicle in the course of manufacture or assembly for the purpose of testing such vehicle or moving it within or between plants engaged in its manufacture or assembly;

(ii) To operate such vehicle for the purpose of bona fide tests or experiments contributing to the war effort, which require the use of the vehicle therein;

(iii) To operate a motor vehicle used by a Federal, State or local government or government agency in testing tires, fuels or equipment.

(iv) To operate a commercial motor vehicle in the course of its rebuilding, including operation to and from, within and between, rebuilding plants when such vehicle may be lawfully operated for such purpose without a Certificate of War Necessity. However, no ration may be issued which would permit movement to a rebuilding plant in excess of 200 miles, and from a rebuilding plant in excess of 200 miles unless the applicant establishes that alternative means of transportation for such movement by rail or water carrier are unavailable or inadequate. (The 200 mile limitation does not apply to movement within and between rebuilding plants.)

(5) For use with a motor boat, or with any motor vehicle which may lawfully be operated without a Certificate of War Necessity, for any of the following purposes. No ration may be issued under this paragraph which would permit a vehicle to be moved on its own wheels for a distance of more than 200 miles, unless the vehicle is a commercial motor vehicle and the applicant establishes that alternative means of transportation for the movement of such vehicle by rail or water carrier are unavailable or inadequate, or unless the vehicle is a passenger automobile the transfer of which is governed by the provisions of Ration Or-

der No. 2B, or unless the vehicle is a station wagon which was manufactured subsequent to July 31, 1941, and which has never been transferred except for the purpose of resale.

(i) To move such vehicle or boat after a bona fide sale or a transfer by gift or inheritance, or pursuant to a bona fide lease of more than ninety (90) days, to a place selected by the person entitled to the possession of such vehicle or boat;

(ii) To move such vehicle or boat to a place of storage selected by a person who has acquired title or right to possession of such vehicle or boat by virtue of a lien or security contract, or to move such vehicle or boat to a place of storage upon seizure by government authority.

(6) For use with a motor vehicle or boat to return such vehicle or boat, upon recovery after theft, to its customary garage or station.

(7) For use with a new commercial motor vehicle:

(i) To move a new commercial motor vehicle from a place of manufacture to a distributing outlet or between such outlets when such movement may be lawfully accomplished without a Certificate of War Necessity.

A new commercial motor vehicle means any commercial motor vehicle which was manufactured after July 31, 1941, and which, irrespective of the mileage driven, has not been transferred except to a sales agency for the purpose of resale.

(8) For use with a passenger automobile or motorcycle to provide mileage for non-occupational purposes for which no other special ration is provided under the provisions of this order if, in the discretion of the Board, a denial of the ration would cause undue hardship. The allowance and issuance of any ration under this subparagraph shall be subject to the following provisions:

(i) The Office of Price Administration, Washington, D. C., may from time to time set and allocate quotas fixing the maximum number of gallons of gasoline available for the issuance of rations under this subparagraph and may administer, adjust and revoke such quotas. No Board shall issue a ration under this subparagraph in excess of its quota.

(ii) No appeal shall be permitted from any decision of a Board in regard to an application for a ration made pursuant to this subparagraph.

(c) Application shall be made on Form OPA R-552 and the application shall state, in addition to such other information as may be required;

(1) The purpose for which a special ration is sought and the period (not exceeding six months) during which such ration will be needed;

(2) The type and number of current rations already issued for the vehicle, boat, or outboard motor, for which the application is made, and the gallonage value of such rations;

(3) The facts supporting the claim that transportation is necessary for the purpose;

(4) If application is made pursuant to paragraph (b) (1) (i) or (iii) or paragraph (b) (2) (i), (ii), (iii), (v), (vi),

(x), (xi) or (xii) or paragraph (b) (8), or for use with a motorboat pursuant to paragraph (b) (5) (i) or (ii) of this section, the alternative means of transportation which are available and the reasons, if any, why such alternative means are not reasonably adequate for the purpose.

(5) The number of miles of driving, or, in the case of a boat or outboard motor, the amount of gasoline, claimed to be essential to the accomplishment of the purpose or purposes stated during the period for which the special ration is needed.

(d) If application is made for a Special ration for use with a motorcycle or a passenger automobile for which a basic or supplemental ration is currently outstanding, the applicant shall present to the Board the mileage rationing record issued for such vehicle.

§ 1394.7852 *Form and issuance of special rations.* (a) The Board may grant a special ration only if it finds:

(1) That such special ration is needed by the applicant for the purpose claimed;

(2) That a ration (if any) previously issued for such vehicle, boat or outboard motor is not reasonably adequate or cannot be used for such purpose;

(3) That transportation is necessary to the accomplishment of such purpose; and

(4) That no reasonably adequate alternative means of transportation are available, if proof thereof is required by paragraph (c) of § 1394.7851.

(5) If the ration is for use with a 1942 passenger automobile held by an automobile dealer for sale or resale pursuant to Ration Order No. 2B, that such use is permitted by Ration Order No. 2B.

(b) (1) If the Board grants the application, it shall determine and allow the quantity of gasoline which is essential to the applicant for the accomplishment of the purpose stated in the application from the date of its decision to the end of the period (not exceeding six months) for which the ration is sought. However, the quantity so determined and allowed shall not exceed any applicable limitations upon amount of rations or mileage set forth in § 1394.7851.

(2) The Board shall issue to the applicant ration evidences only sufficient to afford the applicant the quantity of gasoline allowed. The Board shall make a record of its action on the application and shall issue such ration subject to the following provisions:

(i) In the case of a ration issued pursuant to § 1394.7851 (b) (8) (Hardship Ration) the Board shall issue the ration in the form of gasoline purchase permits (Form OPA R-571).

(ii) In all other cases the Board shall issue the ration in the form of gasoline purchase permits, coupons of any appropriate class except Class A coupons, or both.

(iii) Coupons so issued shall be serially numbered and shall be accompanied by an appropriate folder. The person issuing the ration shall mark on such folder the word "Special", the date of issuance, the date on which the ration

expires and that the ration will expire on that date, the identification of any vehicle for which the ration is issued and the serial numbers of the coupons issued.

(iv) The Board shall note on each gasoline purchase permit the information required by the form. No one gasoline purchase permit shall be issued for an amount of gasoline in excess of ten gallons nor for a fractional part of a gallon.

(v) If a mileage rationing record is required to be presented pursuant to § 1394.7851 (d), the Board shall write on such record the following information:

(a) The date of issuance.

(b) The purpose for which the ration is issued.

(c) The gallonage allowed.

(d) The designation of the issuing Board.

(c) No special ration may be issued for the operation of a vehicle if such operation violates any order of the Office of Defense Transportation.

§ 1394.7853 *Special ration for furlough travel by member of the armed forces.*—(a) *General.* A member of the armed forces of the United States who needs transportation on leave or furlough for a period of three days or more, as evidenced by duly issued leave or furlough authorization (but not by pass) may apply to a Board for a special ration for furlough travel.

(b) *Application.* Application shall be made on Form OPA R-552 by the person on leave or furlough for whose use the ration is sought or, upon good cause shown, by his agent. The application must be accompanied by the leave or furlough authorization. If a basic ration has been issued for the vehicle for which this special ration is sought, the application must be accompanied by the mileage rationing record. The application, in addition to such other information as may be required, shall state:

(1) The purpose for which the ration is sought;

(2) To what points transportation is needed for such purpose;

(3) The alternative means of transportation which are available and the reasons, if any, why such alternative means are not reasonably adequate for the purpose; and

(4) The number of miles of driving claimed to be essential for the accomplishment of the purpose.

(c) *Allowance of ration.* (1) The Board may grant a special ration under this section only if it finds:

(i) That the applicant has met the requirements of paragraphs (a) and (b) of this section;

(ii) That such ration is needed by the applicant for the purpose claimed;

(iii) That transportation by motor vehicle is necessary to accomplish such purpose;

(iv) That no reasonably adequate alternative means of transportation are available; and,

(v) That the leave or furlough has not expired.

(2) If the Board grants the application, it shall determine the quantity of gasoline needed by the applicant for accomplishing the purpose stated and

shall allow gasoline in that quantity subject to the following limitations:

(i) The quantity of gasoline allowed shall not exceed one gallon for each day of the leave or furlough.

(ii) The maximum quantity of gasoline allowed shall not exceed thirty gallons.

(d) *Issuance.* The Board shall issue to the applicant ration evidence only sufficient to afford the applicant the quantity of gasoline allowed. The Board shall issue such ration subject to the following provisions:

(1) In the case of motor vehicles other than motorcycles, the Board shall issue the ration in the form of gasoline purchase permits (Form OPA R-571).

(2) In the case of motorcycles, the Board shall issue the ration in the form of Class D coupons accompanied by an identifying folder, or gasoline purchase permits, or both.

(3) The Board shall note on the face of each gasoline purchase permit the information required by the form. The last day of the leave or furlough shall be inserted as the last date on which such ration may be used. No one gasoline purchase permit shall be issued for an amount of gasoline in excess of ten gallons nor for a fractional part of a gallon.

(4) The Board shall note on the mileage rationing record, if any, the information required by the form and the name of the applicant.

(5) The Board shall note on the leave or furlough authorization the Board designation, the date of issuance and the number of gallons of gasoline allowed.

§ 1394.7854 *Special ration for furlough travel by member of the U. S. Merchant Marine*—(a) *General.* A member of the United States Merchant Marine engaged in active off-shore duty in coastal, intercoastal, or foreign movements who needs transportation between periods of active duty may apply to a Board for a special ration for such transportation.

(b) *Application.* Application shall be made on Form OPA R-552 by such member of the United States Merchant Marine or, upon good cause shown, by his agent. The application must be accompanied by one or more of the applicant's Certificates of Discharge (U. S. Coast Guard or Department of Commerce Form 718A Rev.) or Records of Entry in Continuous Discharge Book (U. S. Coast Guard or Department of Commerce Form 718E). These documents are necessary to show the applicant's periods of such active off-shore duty, and the date of discharge. No such documents marked "duplicate" and no other documents or evidence may be used for these purposes. If a basic ration has been issued for the vehicle for which this special ration is sought, the application must be accompanied by the mileage rationing record. The application, in addition to such other information as may be required, shall state:

(1) The purpose for which the ration is sought;

(2) To what points transportation is needed for such purpose;

(3) The alternative means of transportation which are available and the

reasons, if any, why such alternative means are not reasonably adequate for the purpose; and,

(4) The number of miles of driving claimed to be essential for the accomplishment of the purpose.

(c) *Allowance of ration.* (1) The Board may grant a special ration under this section only if it finds:

(i) That the applicant has met the requirements of paragraphs (a) and (b) of this section;

(ii) That such ration is needed by the applicant for the purpose claimed;

(iii) That transportation by motor vehicle is necessary to accomplish such purpose;

(iv) That no reasonably adequate alternative means of transportation are available;

(v) That the applicant's last date of discharge from such active duty shown by his latest Certificate of Discharge or Record of Entry in Continuous Discharge Book is not more than thirty days before the date of the filing of his application; and

(vi) That the applicant has served a total of at least five weeks of such active off-shore duty shown by Certificates of Discharge or Records of Entry in Continuous Discharge Book showing dates of discharge on or after December 13, 1944.

(2) If the Board grants the application, it shall determine the quantity of gasoline needed by the applicant for accomplishing the purpose stated and shall allow gasoline in that quantity subject to the following limitations.

The quantity of gasoline allowed shall not exceed the amount specified in Schedule I for the total of the periods of such active off-shore duty stated on Certificates of Discharge or Records of Entry in Continuous Discharge Book which show dates of discharge on or after December 13, 1944. The Board shall not include a period of duty any part of which has already been included in computing a ration issued under this section.

Schedule I is as follows:

Total periods of duty shown by certificates or records dated on or after December 13, 1944:	Maximum gasoline allowed (gallons)
Less than 5 weeks.....	None
5 weeks.....	3
More than 5 weeks but not more than 7 weeks.....	4
More than 7 weeks but not more than 9 weeks.....	5
More than 9 weeks but not more than 10 weeks.....	6
More than 10 weeks but not more than 12 weeks.....	7
More than 12 weeks but not more than 14 weeks.....	8
More than 14 weeks but not more than 15 weeks.....	9
More than 15 weeks but not more than 17 weeks.....	10
More than 17 weeks but not more than 19 weeks.....	11
More than 19 weeks but not more than 20 weeks.....	12
More than 20 weeks but not more than 22 weeks.....	13
More than 22 weeks but not more than 24 weeks.....	14
More than 24 weeks but not more than 25 weeks.....	15

SCHEDULE I—Continued

Total periods of duty shown by certificates or records dated on or after December 13, 1944:	Maximum gasoline allowed (gallons)
More than 25 weeks but not more than 27 weeks.....	16
More than 27 weeks but not more than 29 weeks.....	17
More than 29 weeks but not more than 30 weeks.....	18
More than 30 weeks but not more than 32 weeks.....	19
More than 32 weeks but not more than 34 weeks.....	20
More than 34 weeks but not more than 35 weeks.....	21
More than 35 weeks but not more than 37 weeks.....	22
More than 37 weeks but not more than 39 weeks.....	23
More than 39 weeks but not more than 40 weeks.....	24
More than 40 weeks but not more than 42 weeks.....	25
More than 42 weeks but not more than 44 weeks.....	26
More than 44 weeks but not more than 45 weeks.....	27
More than 45 weeks but not more than 47 weeks.....	28
More than 47 weeks but not more than 49 weeks.....	29
More than 49 weeks.....	30

Gasoline shall not be allowed in excess of thirty gallons.

(d) *Issuance.* The Board shall issue to the applicant ration evidence only sufficient to afford the applicant the quantity of gasoline allowed. The Board shall issue such ration subject to the following provisions:

(1) In the case of motor vehicles other than motorcycles, the Board shall issue the ration in the form of gasoline purchase permits (Form OPA R-571).

(2) In the case of motorcycles, the Board shall issue the ration in the form of Class D coupons accompanied by an identifying folder, or gasoline purchase permits, or both.

(3) The Board shall note on the face of each gasoline purchase permit the information required by the form. A date thirty days after issuance shall be inserted as the last date on which such permit may be used. No one gasoline purchase permit shall be issued for an amount of gasoline in excess of ten gallons nor for a fractional part of a gallon.

(4) The Board shall note on the mileage rationing record, if any, the information required by the form and the name of the applicant.

(5) The Board shall note on the back of each of the certificates or records of discharge the Board designation, the date of issuance and the number of gallons of gasoline allowed.

§ 1394.7855 *Special rations for Canadian registered vehicles: non-occupational mileage*—(a) *Application for ration.* The owner or person entitled to the use of a passenger automobile or motorcycle which is registered in Canada and which is normally garaged or stationed outside the continental limits of the United States may apply to a Board for a special ration under this section for non-occupational mileage driven within the continental limits of the United States. A separate application shall be made on Form OPA R-552 for each vehicle.

(b) *Allowance of ration.* The Board shall grant a special ration under the terms of this section to provide the gallonage requested by the applicant for driving within the continental limits of the United States, except that the Board shall not allow more than fifteen gallons of gasoline for a passenger automobile or more than six gallons of gasoline for a motorcycle in the period of one year, and no ration shall be issued unless the Board finds:

(1) That the vehicle for which the ration is sought is registered in Canada and normally garaged and stationed outside the continental limits of the United States and that such vehicle is not:

(i) Owned or leased by a Federal, State, local or foreign government or government agency.

(ii) Part of a fleet of passenger automobiles.

(iii) Held by a motor vehicle dealer for sale or resale.

(iv) A passenger automobile available for public rental.

(2) That no other ration, which has been issued for such vehicle for use during any part of the period for which the application is being made, is outstanding, except a special ration issued pursuant to §§ 1394.7851, 1394.7853 or 1394.7856.

(c) *Issuance of ration.* If the Board grants the application, it shall issue gasoline purchase permits (Form OPA R-571) to provide the gallonage allowed. The Board shall note upon the face of each such permit the information required by the form. No one gasoline purchase permit shall be issued for an amount in excess of ten gallons of gasoline or for a fractional part of a gallon, and the total gallonage value of gasoline purchase permits issued under this section shall not provide more than fifteen gallons for use with any one passenger automobile or six gallons for any one motorcycle in the period of one year.

The Board shall make a notation upon the registration card or registration certificate of such vehicle of the gallonage allowed, and the date of issuance and class of ration as provided in § 1394.8003.

§ 1394.7856 *Special rations for Canadian registered vehicles: occupational mileage—(a) Application for ration.* The owner or person entitled to the use of a passenger automobile or motorcycle which is registered in Canada or operated on dealer or other interchangeable license plates issued in Canada and which is normally garaged or stationed outside the continental limits of the United States may apply to a Board for a special ration under this section for occupational mileage driven within the continental limits of the United States. Application shall be made on Form OPA R-535 in the same manner and subject to the same requirements as set forth in § 1394.7703 in regard to applications for supplemental rations, except that:

(1) The application shall be marked "Special."

(2) If mileage is sought for driving to or from a place of work located in the continental United States, the application must be filed with the Board having jurisdiction over the area in which such place of work is located, oth-

erwise such application may be made to any Board.

(b) *Allowance of mileage.* If the Board finds the facts stated on the application to be true and that the applicant has met all of the requirements set forth in § 1394.7704 (a) and paragraph (a) of this section the Board shall determine the allowed mileage for the vehicle in accordance with the provisions of § 1394.7704, except that:

(2) No mileage shall be allowed if any ration, which has previously been issued for the vehicle for use during any part of the period for which the application is being made, is outstanding, except a special ration issued pursuant to §§ 1394.7851, 1394.7853 or 1394.7855.

(c) *Issuance of ration.* The Board shall issue the ration to provide the allowed mileage in the same manner as it would issue a fleet ration in accordance with the provisions of § 1394.7755 (a), (b) and (c) except that:

(1) The Board shall write "Special" upon the folder accompanying the serially numbered strip coupons.

(2) The Board shall make a notation upon the registration card or registration certificate of such vehicle of the date of issuance and the class of ration issued.

(3) In the case of a vehicle available for public rental, if the term of the lease remaining from the date of issuance of the ration is less than three months, the Board shall issue coupons in sufficient number to allow the allowed mileage for only the remaining term of the lease and shall write on the folder the date on which the lease terminates and that the coupons will expire on that date.

NON-HIGHWAY RATIONS

§ 1394.7901 *Persons entitled to non-highway rations.* Any person who requires gasoline for a non-highway purpose may obtain a non-highway ration authorizing the acquisition of the amount of gasoline required for such purpose, except as provided in § 1394.7904. Non-highway rations shall be issued for three-month periods except that rations for use in connection with farming shall be issued for six-month periods.

§ 1394.7902 *Non-highway ration coupons.* (a) Serially numbered Class E and R coupons shall be issued as non-highway rations. Class E and R coupons shall each have a value of one unit; and shall authorize the transfer of gasoline from the validity date which shall be noted by the Board on the folder which it issues with such coupons until such rations or coupons expire or are revoked.

(b) Each non-highway ration issued for use with a motorboat for non-occupational purposes shall be so indicated on the accompanying identifying folder.

§ 1394.7903 *Application for non-highway rations.* Application for a non-highway ration shall be made to a Board on Form OPA R-537. Application may be signed by an agent. The applicant shall state the information required by such form and the amount of gasoline needed for non-highway use during the three-month period, or if the use is in connection with farming, during the six-

month period, following the date on which the ration is required, and the non-highway purpose or purposes for which such gasoline is needed.

§ 1394.7904 *Issuance of non-highway rations—(a) General rules for issuance.* The Board shall determine the amount of gasoline required for the three- or six-month period referred to in § 1394.7903, and, subject to the provisions of paragraphs (b), (c), (d), (e), (f), (g) and (h) of this section, shall issue to the applicant a sufficient number of Class E or R coupons to enable the applicant to acquire the amount of gasoline determined by the Board to be necessary for such period, subject to the following provisions:

(1) The Board may refuse to issue such ration for the operation of machinery or equipment, other than boats, used for athletic, recreational or amusement purposes, if in its opinion, taking into consideration the gasoline supply available, the use of gasoline for such purposes is not essential to the welfare of the area which it serves.

(2) The Board shall issue Class E or R coupons bearing serial numbers in consecutive order. The Board shall issue a folder for each class of coupons issued and shall note on the folder the serial numbers of the coupons issued, the date of issuance, the earliest renewal date, and the name and address of the applicant.

(3) If the ration is issued for use in connection with farming, the Board shall issue appropriate ration evidences sufficient to provide either a part of the amount of gasoline determined for the six-month period or the total amount. If the Board has issued ration evidences sufficient to provide only part of the gasoline determined, it shall issue, upon the request of the applicant, additional ration evidences in an amount not to exceed the remainder of the ration originally determined or such portion of such remainder as the Board determines the applicant requires for the balance of the ration period.

(4) Upon the issuance of Class E or R coupons as a ration for a non-highway use the Board shall issue to the applicant for use with such ration a Delivery Record of Bulk Gasoline Purchases (Form OPA R-585 Rev. hereinafter referred to as the delivery record), or any number of such records which may be required. At the time of issuance the Board shall make the required notations on such record. The provisions of this subparagraph shall not apply to the issuance of Class E or R coupons to a person who requires the use of less than an average of ten gallons of gasoline per month for non-highway purposes.

(5) Where the issuance of a delivery record is required for use with a non-highway ration, the Board shall determine the total amount of Class E and R coupons to be accounted for in accordance with the following provisions:

(i) If a delivery record has not previously been issued for use with a non-highway ration and application is made for such ration in the form of Class E or R coupons, the Board shall determine the applicant's needs for the new ration

period (or, with respect to the second installment of a non-highway ration issued for use in connection with farming for the remainder of the current ration period). The Board shall deduct from such amount the gallonage value of the Class E and R coupons, if any, which it determines are outstanding and the number of gallons remaining is the amount of the ration to be issued. The gallonage value of the Class E and R coupons issued as such a ration together with the gallonage value of the outstanding Class E and R coupons is the total gallonage value of Class E and R coupons to be accounted for on the delivery record.

(ii) If a delivery record has been issued for use with a non-highway ration and application is made for the renewal of the ration, the issuance of a further ration, or for the second installment of the ration issued for use in connection with farming, the applicant shall present to the Board such delivery record and any delivery tickets he has received in accordance with § 1394.8153 (b) (1) (iii). The Board shall determine the applicant's needs for the new ration period (or, with respect to the second installment of a ration issued for use in connection with farming, for the remainder of the current ration period). The Board shall deduct from such amount the gallonage value of the Class E and R coupons which it determines are outstanding and the number of gallons remaining is the amount of ration to be issued. The Board shall determine the gallonage value of outstanding Class E and R coupons by deducting from the total gallonage value of the Class E and R coupons to be accounted for as shown by the submitted delivery record, the gallonage value of Class E and R coupons surrendered by the applicant in exchange for bulk deliveries of gasoline as determined from such delivery record, the delivery tickets accompanying such record or from other satisfactory evidence. The gallonage value of the Class E and R coupons issued as such a ration together with the gallonage value of the Class E and R coupons determined to be outstanding is the total gallonage value of Class E and R coupons to be accounted for on the new delivery record. Such a renewal or further ration shall be computed from the date of application and shall be issued as of such date.

(iii) When a Board issues Class E or R coupons to a ration holder of a non-highway ration in exchange for his ration check pursuant to § 1394.8016, the gallonage value of the coupons issued shall be the gallonage value to be accounted for on his delivery record, if a delivery record has not previously been issued. However, if a delivery record has been issued for use with the ration, the gallonage value of the coupons issued pursuant to § 1394.8016 shall be added on the record to the gallonage value of the coupons to be accounted for.

(iv) When the gallonage value of Class E and R coupons representing an outstanding non-highway ration has been deducted from the amount to be issued as a further ration, such outstanding Class E and R coupons shall not be surrendered by the applicant upon the issuance of the further ration, but shall be retained for use during the valid period of such further ration. When the gallonage value of the Class E and R coupons representing an outstanding non-highway ration has been deducted in computing the amount to be issued in renewal of a ration, the coupons representing the outstanding ration shall not expire on the date the renewal of such ration is issued, but may be retained for use during the valid period of such ration.

(v) Any applicant who submits to a Board a delivery record for the purpose of making a computation shall certify that Class E and R coupons or other evidences were transferred in exchange for an amount of gasoline equal to the gallonage value of Class E and R coupons or other evidences recorded on the delivery record or on any delivery ticket. He shall also certify as to the number of Class E and R coupons that are contained in any outstanding non-highway ration in his possession.

(b) *Allowance of a non-highway ration for use with a boat for a non-occupational purpose.* If application is made for a non-highway ration for use with an inboard motorboat or outboard motor operated wholly or in part for a non-occupational purpose, the Board shall allow for the non-occupational purpose an amount of gasoline for any three-month period determined by the following formulae:

(1) For an inboard motorboat, a number of gallons not in excess of two times the manufacturer's rated horsepower of the motor or motors and not in excess of the following:

(i) One hundred and twenty-five (125) gallons, for a purpose listed in subparagraph (3);

(ii) Twenty-four (24) gallons, for any other non-occupational purpose.

(2) For an outboard motor, the number of gallons not in excess of two and one-half times the manufacturer's rated horsepower of such motor and not in excess of the following:

(i) Twenty (20) gallons, for a purpose listed in subparagraph (3);

(ii) Ten (10) gallons, for any other non-occupational purpose.

(3) The purposes referred to in subparagraphs (1) (i) and (2) (i) are as follows:

(i) For conducting or chartering fishing parties;

(ii) For a boat enrolled on a member of the Coast Guard auxiliary. The application must be accompanied by the certification of an authorized Coast Guard officer that the boat is so enrolled and has been accepted by the Coast Guard for emergency duty.

(4) In the case of an inboard motorboat or outboard motor used in connection with farming, the gallonage determined by the formulae in subparagraphs (1) and (2) of this paragraph shall be multiplied by two and the non-highway ration so determined shall be issued for a six-month period.

(5) For purposes of this paragraph, non-occupational uses shall include (without limitation) use of a motorboat or outboard motor for travel between a temporary or seasonal home or lodging

and a fixed place of work, sightseeing, guiding pleasure parties or conducting or chartering boats for fishing parties other than commercial fishing and the transportation of passengers who are traveling for these or other non-occupational purposes.

(c) *Allowance of non-highway ration for operation of a gasoline engine.* If application is made for a non-highway ration for the operation of a gasoline engine (other than an outboard motor or an engine used to operate an airplane or inboard motorboat) the Board shall not allow more than one-tenth of one gallon of gasoline for each horsepower hour of operation set forth in the application.

(d) *Limitation on issuance of non-occupational ration.* Except as provided in § 1394.8102 (f) (1), no non-occupational ration may be issued for an inboard motorboat or an outboard motor during any three or six-month period for which such a ration has already been issued.

(e) The Board shall refuse to issue a ration for any non-highway use, other than for the operation of machinery or equipment or for use in stoves, lamps, or other mechanical burning devices, if an adequate supply of a non-rationed substitute product is available at a reasonable cost.

(f) A non-highway ration may be issued to a person engaged in PAW District No. 2, in packaging rationed naphtha (as defined in Section 1394.8365) in containers of eight (8) fluid ounces or less for non-highway uses.

(g) No ration shall be issued for the operation of a ship foreign registry for which an individual export license for gasoline issued by the Foreign Economic Administration is required except upon presentation to the Board of satisfactory evidence that the applicant has been authorized by that agency to acquire gasoline for the purpose. The gallonage value of the ration shall equal the amount of gasoline approved by the Foreign Economic Administration for the operation of the boat.

(h) No ration shall be issued for the operation of a ship if gasoline may be acquired for its operation in exchange for checks drawn upon a ration bank account of the War Shipping Administration.

ISSUANCE OF RATION EVIDENCES AND ACKNOWLEDGMENTS OF DELIVERY BY THE OFFICE OF PRICE ADMINISTRATION, WASHINGTON, D. C.

§ 1394.7951 *Issuance of ration evidences for secret governmental work.* The Office of Price Administration, Washington, D. C., in its discretion, may issue in blank gasoline ration evidences of all types to the Army, Navy, Marine Corps, Coast Guard and law enforcement agencies of the United States, solely for the use of such agencies and for distribution to and use by their officers, agents or employees in the performance of official duties which depend upon secrecy. Any such agency which requires ration evidences for use by such officers, agents or employees, shall make written application therefor to the Office of Price Administration, Washington,

D. C., and shall state the number and type of ration evidences required, and the use for which such evidences are intended.

§ 1394.7952 *Acknowledgments of delivery and military receipts.* (a) Acknowledgments of Delivery (Form OPA R-594) and Military Receipts for Delivery of Gasoline (Form OPA R-593), to be used for the acquisition of gasoline by or on behalf of the Army, Navy, Marine Corps and Coast Guard, will be issued by the Washington Office to the Washington headquarters of such agencies. Such forms bearing the signature of an authorized officer, agent or employee of any such agency shall be valid as an authorization of the transfer of gasoline by any person to whom it is presented, to the extent of the gallonage thereon stated when such transfers are made in accordance with the provisions of § 1394.8154 (c) and (d).

(b) In the event that an Acknowledgment of Delivery form should not be available, gasoline may be acquired by or on behalf of such agencies in exchange for an Emergency Acknowledgment on official letterhead of the agency on whose behalf the gasoline is acquired, or on any other form if such a letterhead is unavailable. Such Emergency Acknowledgment shall be valid as an authorization of the transfer of gasoline by any person to whom it is presented to the extent of the gallonage thereon stated when such transfer is made in accordance with the provisions of § 1394.8154. Such Emergency Acknowledgment may be used as an evidence for the purpose of replenishment by the transferor. Such Emergency Acknowledgment shall contain the following:

- (1) The name and address of the transferor.
- (2) The date on which the transfer is made.
- (3) The number of gallons of gasoline transferred.
- (4) The description of the vehicle or vehicles which receive the transfer.
- (5) Place of delivery.
- (6) Signature of the receiving officer, agent or employee.
- (7) A statement by such receiving officer, agent or employee that the gasoline transferred in exchange for such acknowledgment will be used exclusively by the Army, Navy, Marine Corps or Coast Guard.

GENERAL PROVISIONS WITH RESPECT TO ISSUANCE OF RATIONS AND MILEAGE RATIONING RECORDS

§ 1394.8001 *Appearance before Boards.* The Board may require any applicant for a ration to appear before it for examination and to produce such witnesses or evidence as it may deem material.

§ 1394.8002 *Presentation of registration card.* (a) Except as provided in paragraph (b) of this section, no basic ration and no special ration issued under §§ 1394.7855 or 1394.7856, shall be issued for any registered motor vehicle unless a registration card or registration certificate authorizing the operation of such vehicle during all or part of the period for which such ration is to be issued, is presented to the Board.

(b) If no currently valid registration card or registration certificate has been issued or is outstanding for such motor vehicle, or if such card or certificate has been lost, stolen or destroyed, and such motor vehicle is currently registered for operation on public highways under the law of the Federal government or of any State, territorial or foreign government, the applicant may sign and submit a certification, on such form as may be designated by the Office of Price Administration, stating the reasons why no registration card or registration certificate is outstanding. If the Board is satisfied that such motor vehicle is currently registered but that no registration card or registration certificate therefor has been issued or is outstanding, it may issue a gasoline ration for such vehicle. Such certification shall be filed with the application for such ration.

§ 1394.8003 *Notation on registration cards.* At the time of issuing a gasoline ration in connection with which the presentation of a registration card is required pursuant to paragraph (a) of § 1394.8002, the person issuing such ration shall make a clear notation in ink, indelible pencil, or by typewriter, on the motor vehicle registration card or registration certificate presented by the applicant, showing the date of issuance and the class of ration issued. If a ration has been issued on the basis of a temporary registration card or registration certificate, the applicant shall submit the permanent card or certificate, when issued, to a Board, for such notation. If a ration is issued without presentation of a registration card or registration certificate pursuant to the provisions of paragraph (b) of § 1394.8002, no notation will be made at the time of issuance of the ration but the applicant shall submit such card, within five (5) days of issuance of such card or certificate, to a Board for such notation.

§ 1394.8004 *Notations on ration books, folders, applications, coupons and mileage rationing records.*—(a) *Notations by Board on application.* The Board shall make a record on every application of the action taken with respect thereto.

(b) *Notations by Board on rations issued for motor vehicles.* At the time of issuance of any ration coupons for use with a registered or commercial motor vehicle, the person issuing the ration shall make a clear notation, on the cover of the ration book or folder, in ink, indelible pencil or by typewriter, of the following information:

- (1) The registration number, if any, of the vehicle for which it is issued, or the official or fleet designation of the vehicles with which it may be used interchangeably; and
- (2) In the case of any ration other than a basic ration, the date when the ration becomes valid, and, as the case may be, the expiration date or the earliest renewal date of the ration.
- (3) If the ration is issued in coupons in strip form, the serial numbers of the coupons issued.

(c) *Notations by Board on non-highway rations.* At the time of issuance of any non-highway rations represented by

coupons, the Board shall make a notation on the accompanying folder of the name and address of the applicant, the date on which the ration becomes valid for use, the earliest renewal date and the serial numbers of the coupons.

(d) *Notations by Board on mileage rationing records.* (1) At the time of issuance of any ration in connection with which the presentation of a mileage rationing record is required pursuant to § 1394.8010, the person issuing the ration shall write clearly in ink, indelible pencil, or by typewriter on the mileage rationing record the following information:

- (i) The date of issuance;
- (ii) The type and quantity of the ration evidences issued;

(e) *Notations by ration holder.* Immediately upon receipt of any ration coupons each person to whom such coupons are issued shall write, stamp or print, on the face of the coupons issued to him the following information:

(1) In the case of Class A coupons, the license number and state of registration of the vehicle for which such ration was issued.

(2) In the case of B, C, D and T coupons, the license number and state of registration of the vehicle for which the ration was issued except as follows:

(i) In the case of coupons issued for use interchangeably among fleet or official passenger automobiles or motorcycles, or commercial vehicles bearing a fleet designation, the official or fleet designation and the state and city or town in which the principal office of the fleet operator is located.

(ii) In the case of coupons issued for use interchangeably among motor vehicles not bearing fleet designations or for use with a motor vehicle, which has not been assigned a specific license number, the name and address of the person to whom the ration has been issued.

(3) In the case of Class E and R coupons no notations need be made upon receipt of the ration, but prior to a transfer of gasoline in exchange therefor, the ration holder shall write, stamp or print his name and address on the face of each coupon presented separately. However, when gasoline is obtained in exchange for Class E or R coupons in a strip or block such notations may be written on the strip or block of coupons. If a dealer or distributor, after receiving such strip or block of coupons, detaches any coupons from the strip or block, he must write the ration holder's name and address on each detached part which does not bear such notation.

§ 1394.8005 *Change in motor vehicle registration number.* (a) Whenever any change is made in the registration number of a vehicle, the holder of a mileage rationing record, or ration book, or serially numbered coupons accompanied by a folder issued for such vehicle (other than a folder bearing an official or fleet identification) shall cancel the former registration number appearing on the mileage rationing record and coupon book or folder and shall note thereon, in ink, indelible pencil or by typewriter, the

new registration number issued for such vehicle.

(b) The holder of any identification folder bearing an official or fleet identification shall upon any change in the name, identification or designation of such official or fleet vehicles, submit such folder to the Board which issued it for appropriate modification. Upon ascertaining the new name, identification or designation of such official or fleet vehicles, the Board shall change the designation of such folder to correspond thereto.

(c) Nothing in this section shall be construed to authorize the continued use of a ration after a change in ownership of the vehicle for which it was issued.

§ 1394.8006 Authorization of bulk purchase. (a) Any applicant for a ration who desires to acquire gasoline in drums or other containers or who desires to receive gasoline by transfers into a storage tank or by other bulk transfer may, when applying for a ration, request the Board to issue ration checks instead of any ration evidences which would otherwise be issued. He may also request the Board to authorize him to use for bulk transfers any Class A, B, C, D or T coupons issued to him.

(b) (1) If the applicant will acquire 960 gallons or more per month by bulk transfer the Board shall issue one or more ration checks to the extent of the gallonage allowed by it for which ration checks are requested. The Board shall first determine the type of ration and the earliest renewal date or expiration date of the ration and the number of coupons or gallons to which the applicant is entitled; it shall then issue one or more ration checks to the extent required by the applicant, but not in excess of the gallonage value of the coupons to which the applicant is entitled. If only a part of the ration is issued in ration checks the remaining portion of the ration shall be issued in the usual manner in appropriate coupons. The Board may also authorize the use of such coupons for bulk transfer in the same manner as directed in subparagraph (2) of this paragraph. Upon the renewal of such an applicant's ration the Board may issue ration checks even though the applicant's need for acquiring gasoline by bulk transfer may be slightly less than 960 gallons per month.

(i) At the time of issuance of any ration check the Board shall note upon the application for a gasoline ration the gallonage of the ration check issued, the date of issuance of the ration and, as the case may be, the expiration date or earliest renewal date of the ration.

(2) If the applicant will acquire less than 960 gallons per month by bulk transfer the Board shall issue the ration in the usual manner, and shall make a notation upon the coupon book or upon the folder accompanying the coupons, as the case may be, indicating that the coupons contained in such book or accompanying such folder may be used for a bulk transfer of gasoline.

(c) If a ration has been issued in whole or in part in the form of a ration check, the renewal of such ration shall be subject to the provisions of § 1394.8051 (g).

§ 1394.8007 Restoration of coupon books, coupons, folders, mileage rationing records and delivery records; replenishment of gasoline by bulk consumers.

(a) *Coupon books and serially numbered coupons.* In the event of loss, theft, destruction, or mutilation of any coupon book or serially numbered coupons or the wrongful withholding of such book or coupons from the rightful holder, the person entitled to their possession may apply for the replacement of such book or coupons in accordance with the provisions of Procedural Regulation No. 12.^{*} However, if the application is for replacement of a coupon book or serially numbered coupons that have been lost or stolen, the Board shall waive all waiting periods provided for in § 1300.954 of Procedural Regulation No. 12, where the requirement of such waiting periods would result in extreme hardship upon the individual, impede essential transportation, or be contrary to the public interest. If application is made to a Board other than the Board which originally issued the coupon book or coupons an additional copy of the application shall be made, to be forwarded to the Board which originally issued the ration.

(b) *Folders.* In the event a folder is lost, stolen, destroyed, mutilated or wrongfully withheld from the rightful holder, the person entitled to possession of the folder may apply to the issuing Board for a new folder. The Board shall issue such a folder of appropriate class, bearing notations of the following information, which the Board shall obtain from the application on the basis of which the ration was granted:

(1) The serial numbers of the coupons with which the original folder was issued;

(2) Their date of issuance and their expiration or earliest renewal date;

(3) The identification of any vehicle or fleet for which the original folder was issued.

(c) *Replenishment of gasoline by bulk consumers.* Any bulk consumer who loses from storage facilities gasoline which was acquired by means of a ration issued pursuant to the provisions of this order may apply for replenishment of such gasoline. Application shall be made either to the Board having jurisdiction over the area in which such storage facilities are located or the Board which issued the ration which authorized the acquisition of the gasoline which has been lost. Such application shall contain the name and address of the applicant, a statement of circumstances causing the loss and the purpose for which the replenishment ration is required. If application is made to a Board other than the Board which issued the ration, the application shall also contain the address of the issuing Board, and a description of the class and quantity of the ration and the purpose for which it was issued. If the Board finds that the applicant has incurred the loss claimed, that the loss occurred through fire, theft, accident or some extraordinary circumstance be-

yond the consumer's control, and that the replenishment is required for use for a purpose for which the ration for the lost gasoline could have been issued, it shall issue appropriate ration evidences, or a ration check if the applicant maintains a ration bank account pursuant to the provisions of § 1394.8206a (e), representing the class or ration and quantity of gasoline lost by the consumer but only to the extent that replenishment is required. If the replenishment is issued by a Board other than the Board which issued the ration, it shall forward the application, with a notation of its action, to the Board which issued the ration.

(d) *Mileage rationing records.* Any person who has lost a mileage rationing record issued for use with a passenger automobile shall apply to a Board for a new record. If the Board is satisfied that the record has been lost and that there is no other mileage rationing record outstanding it shall issue a new record to the applicant. The Board shall transcribe on the new record the rations currently outstanding which have been issued for use with the automobile.

(e) *Delivery records.* In the event of loss, theft, destruction, or mutilation of a delivery record issued pursuant to § 1394.7904 (a) (4), the person entitled to possession thereof may make application to the issuing Board for the replacement of such record. If the Board determines that the applicant is acting in good faith, it shall issue a delivery record as a replacement. When issuing a replacement, the Board shall note on the delivery record the actual gallonage value of the outstanding Class E and R coupons at the time application is made for the replacement. The Board may require the applicant to establish all deliveries which he has received in exchange for Class E and R coupons since the issuance of the delivery record sought to be replaced.

§ 1394.8008 Disposition of lost coupon books. (a) Any person who finds a gasoline coupon book, coupon or other evidence shall, within five (5) days, surrender such coupon book, coupon or other evidence to a Board.

(b) The Board to which a coupon book, coupon or other evidence is surrendered pursuant to paragraph (a) of this section shall forward such coupon book, coupon or other evidence through the District Director to the Board having jurisdiction over the issuance thereof. The Board having jurisdiction shall return such coupon book, coupon or other evidence to the person to whom it was originally issued, or, if a duplicate thereof has already been issued, shall destroy such coupon book, coupon or other evidence.

§ 1394.8009 Issuance of mileage rationing records. Upon the issuance of a basic ration, the Board shall issue one mileage rationing record on the stub of Form OPA R-534 (Rev. 5-44) for the vehicle for which the ration is issued, unless a mileage rationing record is currently outstanding for such vehicle.

§ 1394.8010 Presentation of mileage rationing records. No Basic Class A ration shall be issued pursuant to

^{*} 8 F.R. 3171, 6543, 11688, 14737, 15461; 9 F.R. 6108.

§ 1394.7653 (f) to replace another basic ration formerly issued to the applicant, and no supplemental ration shall be issued or renewed unless the applicant presents to the Board the mileage rationing record issued for the vehicle for which the ration is sought.

§ 1394.8011 *Denial of rations.* (a) No person whose name has been recorded by a Board, in accordance with the provisions of § 1394.46 of Ration Order No. 5 or § 1394.1406 of Ration Order No. 5A for refusal to surrender a ration card, book, coupon or other evidences upon direction of the Board, or for failure or refusal, without good cause shown, to appear before such Board for examination, shall be entitled to obtain a ration of any type under this order while his name remains thus recorded.

(b) When any person has refused or failed, without good cause shown, to surrender coupons, folders, coupon books or a ration check as required by an order issued by a Board or a representative of the Office of Price Administration pursuant to this order, a Board may deny any pending or subsequent application for a ration made by or for the use of such person.

§ 1394.8013 *Consumer declaration of gasoline on hand.* A Board may require any applicant for a supplemental, fleet, official, transport or non-highway ration to set forth on his application the amount of gasoline held by him other than gasoline in the fuel supply tank of a motor vehicle, motorboat or equipment, and other than gasoline held by a dealer or distributor for transfer, or gasoline obtained in exchange for valid coupons or other evidences. No deduction may be made by the Board in issuing a ration on account of any such gasoline on hand.

§ 1394.8014 *Issuance of rations notwithstanding ownership of excess tires.* (a) Notwithstanding any other provisions of this order, a basic, supplemental, or fleet ration, or a ration issued pursuant to the provisions of § 1394.7757 or § 1394.7758, may be issued or renewed, and such a ration may be used for the operation of a motor vehicle even though the registered owner or lessee of such vehicle (or, with respect to basic or supplemental rations, any person living in the household of such owner and related to him by blood, marriage or adoption) owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R-17 or R-17 Revised, or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment, if:

(1) Such other tires have been acquired pursuant to a certificate issued under the Revised Tire Rationing Regulations or Ration Order No. 1A, or such tires are held for a purpose for which a certificate authorizing the acquisition of tires or recapping services may be obtained under Ration Order No. 1A and are not in excess of the number which would preclude a person from obtaining such a certificate, or the possession and use of such tires is otherwise expressly permitted or authorized by the

Office of Price Administration or by the War Production Board;

(2) Such other tires are scrap tires held for purposes of sale or other disposition by a person regularly engaged in the business of dealing in scrap, or by a reclaiming or processing plant for the purpose of processing such tires;

(3) Such other tires are owned jointly by two or more persons, or are and have been, continuously since November 8, 1942 or earlier, subject to a lien or otherwise designated or held as security for debt under a mortgage, pledge or similar security transaction, and the owner of such tires is unable to secure the consent of the joint owner of, or the holder of a security interest in, such tires to their sale or other disposition;

(4) Such other tires are held for use as spares for farm equipment or farm implements, if the Board finds that such spares are necessary for continued operation of such equipment, but in any event not in excess of one (1) spare for each such piece of equipment; or

(5) Such other tires are held for use in moving house trailers by persons regularly engaged in the business of towing house trailers: *Provided*, That no such person shall own or keep for such use more than eight (8) passenger-type tires for each establishment, plus four (4) additional passenger-type tires for each separate branch at which a tow car is regularly kept: *Provided further*, That the number of passenger-type tires which may be retained for such purpose shall be reduced by the number of other type tires which are similarly held.

§ 1394.8016 *Issuance of coupons in exchange for checks.* A bulk consumer who maintains a ration bank account pursuant to § 1394.8206a (e) may, at any time, procure from the Board which issued his ration, coupons of any type which his application shows him to be entitled to receive in exchange for his ration check, payable to the Office of Price Administration, in an amount equal to the gallonage value of the coupons issued. Class E or R coupons shall be issued subject to the provisions of § 1394.7904 (a) (4) and (5) (iii) with respect to delivery records.

§ 1394.8017 *Presentation of receipt for former rations after change of ownership of vehicle.* No basic, fleet, official or transport ration, or ration pursuant to § 1394.7757 shall be issued for any motor vehicle which has changed ownership after December 31, 1943 unless the applicant submits to the Board, with his application for such ration, the duplicate copy of a receipt on Form OPA R-569 obtained pursuant to the provisions of § 1394.8102 (h). Any ration which has been issued after a change in ownership of a vehicle may be renewed without presentation of such receipt.

§ 1394.8018 *Issuance of rations where board is served by Ration Currency Mailing Center.* Notwithstanding any other provisions of this order, a Board which is served by a Ration Currency Mailing Center may issue rations pursuant to the following:

(a) A Board or person issuing a ration on behalf of the Board shall only be re-

quired to make such notations upon registration cards, ration books, folders, applications, mileage rationing records, and ration evidences as shall be prescribed in any procedure approved by the Deputy Administrator in Charge of Rationing for the issuance of rations by a Ration Currency Mailing Center.

(b) In emergency cases, where to withhold a ration from the applicant pending issuance of the ration by a Ration Currency Mailing Center would result in a hardship upon the applicant, impede essential transportation or be contrary to the public interest, a Board may issue to the applicant one or more gasoline purchase permits or one or more coupons accompanied by an appropriate folder to provide all or part of the mileage or gallonage allowed by the Board. A Board may issue one or more gasoline purchase permits to provide the amount of gasoline allowed notwithstanding the fact that the total amount of gasoline allowed exceeds twenty gallons, provided that no gasoline purchase permit shall be issued for an amount in excess of ten gallons of gasoline or for a fractional part of a gallon.

§ 1394.8020 *Exchange of ration checks by dealers.* A dealer may surrender to the issuing Board a ration check issued to him other than as a ration in exchange for any number of checks whose total gallonage value equals the gallonage value of the check surrendered.

RENEWAL OF RATIOMS AND ISSUANCE OF FURTHER RATIOMS

§ 1394.8051 *Renewal of rations.* (a) Application for a renewal of a basic or special ration or a transport ration for which no Certificate of War Necessity is required may be made at any time within thirty days prior to the expiration of such ration, or at any time thereafter. Application for a renewal of a supplemental, official, fleet or non-highway ration may be made within fifteen days before the earliest renewal date or at any time thereafter. Such application shall be made in the same manner as the original application, except as provided in paragraph (b) of this section.

(b) (2) Application for the renewal of a transport ration issued for use with a commercial motor vehicle for which a Certificate of War Necessity has been issued may be made by executing Form OPA R-596. If permission has been granted by the District Director, the Board may issue such renewal without requiring execution by the applicant of such form. If the renewal is for a fleet of commercial motor vehicles the Board shall notify the applicant not less than fifteen (15) days prior to the beginning of the new quarter to appear for a renewal ration. The Board shall issue as a renewal a ration sufficient to provide the maximum number of gallons of gasoline certified in the applicant's Certificate of War Necessity for the quarter for which application is made. However, the issuance of such maximum allowances is subject to the following limitations:

(i) If notification has been received from the Office of Defense Transportation that a Certificate of War Necessity

has been recalled or revoked, no renewals shall be issued. If such notification modifies the maximum allowances the renewals shall be issued in accordance with such modifications.

(ii) If the Board receives notice of the increase of the former allowance for a calendar quarter after the issuance of the renewal of the ration for that quarter, the Board shall issue additional rations to the applicant equal to the difference between the ration previously issued and the maximum gallonage specified in the notice.

(iii) The Board shall allow and issue rations in an amount less than such maximum or modified allowance for the calendar quarter for which the ration is issued under the following circumstances:

(a) Where the applicant informs the Board that his needs are less than his certified allotment.

(b) Where the Board finds that the ration requirements of the applicant have been decreased by a reduction in or discontinuance of his operations.

(c) Where the Board finds that the applicant has misused his transport rations in such a manner as to show that his present allotment is excessive.

(d) Where the applicant fails to use all of his ration for the preceding quarter or fails to appear within a reasonable period of time to receive his ration when the circumstances surrounding such failure show that the applicant's present allotment is excessive.

In any such case, the Board shall determine the lesser amount of gasoline required by the applicant for the operation, during such quarter, of the vehicle or vehicles covered by the Certificate of War Necessity or the latest modification thereof and shall issue a ration in that amount.

(3) An applicant may renew a transport ration for use with a motor vehicle owned or leased by the military or naval forces of the United States or State military forces organized pursuant to section 61 of the National Defense Act, as amended, by filling in the pertinent information on the face of the original Form OPA R-536 for the period for which the ration is required and executing the renewal certificate.

(4) In the case of a basic ration, the owner or person entitled to the use of the registered vehicle, or the agent of either shall execute an application on Form OPA R-534 (Rev. 5-44). The applicant shall file such application with a Board and shall submit therewith the back cover of the current basic ration book issued for use with the vehicle. If such back cover is submitted, no registration certificate or registration card need be presented. If the applicant is unable to submit such back cover, he shall establish to the satisfaction of the Board that:

(i) He is a person entitled to make such application;

(ii) The vehicle is currently registered and in use; and

(iii) No renewal of the basic ration has been issued for the vehicle and no application for such a renewal is pending at any Board. He must also submit

the registration certificate or registration card issued for such vehicle. If the required documents are presented and the Board is satisfied that the vehicle is in use and that the applicant has complied with the requirements of this subparagraph, it shall issue a renewal of such ration in the manner prescribed in § 1394.7653 (d). In such case, it shall also issue a mileage rationing record on the stub of Form OPA R-534 (Rev. 5-44) unless such a record has already been issued for such vehicle. If the registration certificate or registration card has been submitted, the Board upon issuing a renewal of the basic ration shall note upon such certificate or card the same notations as are required in the case of an original issuance of a basic ration.

(c) When renewing a ration prior to the end of the period for which a current ration of the same class was issued, the Board shall note on the application and on the front cover of the coupon book or on the folder accompanying the coupons the date on which the coupons shall become valid. Such date shall be the earliest renewal date of the current ration or the day following the expiration date except as provided in § 1394.7904 (a) (5) (ii).

(d) Except as provided in § 1394.7904 (a) (5) (ii), § 1394.8052 and § 1394.8053, no ration of any class may be renewed for use before (or may be used before) the end of the period for which the preceding ration of the same class was issued.

(e) Notwithstanding any other provisions of this section, no Board shall allow mileage in respect to any renewal of a supplemental, fleet or official ration, or any ration issued pursuant to the provisions of § 1394.7757 or § 1394.7758 which will in any way compensate for any loss in mileage caused by any reduction in the unit value of Class A, B or C coupons or by any extension of the valid period of the Class A coupon made on or after October 1, 1943, unless such restoration is made pursuant to the provisions of § 1394.8052.

(g) Notwithstanding any other provisions of this section any renewal of a ration which was issued in whole or in part in the form of a ration check, shall be subject to the following provisions:

(1) The Board shall determine what amount, if any, of the former ration remains unused in the form of credits in a ration bank account as of the effective date of the renewal.

(2) The unused credits in the ration bank account, so determined by the Board, shall be available for use during the period for which the renewal ration is issued and shall be deemed a portion of the renewal ration.

(3) The Board shall subtract the amount of such unused credits from the amount of gallonage allowed for the renewal period and issue the remainder, if any, in the same manner as any other renewal.

§ 1394.8052 *Issuance of further ration for use before end of period of current ration.* (a) Any person who finds that a ration currently held by him fails to meet his requirements may apply for a further ration of the same class (except

a basic ration) prior to the end of the period for which his current ration was issued, if his current ration is insufficient for any of the following reasons:

(1) A change in occupation or in the location of place of business or residence, or other change in circumstances, or a seasonal variation in the amount of occupational mileage needed, or a miscalculation of needs. However, application for a further transport ration for use with a vehicle for which a Certificate of War Necessity has been issued may only be made for a nonrecurring requirement that does not extend beyond the current calendar quarter.

(2) An extension of the period of validity of a basic ration, or a reduction in the unit value of Class A, B or C coupons, by reason of which the holder of the ration cannot perform the driving essential to carry on his occupation, or, in the case of a special ration, he cannot perform the purpose for which it was issued.

(3) A change in this order increasing the amount of mileage allowable to the holder of a supplemental, fleet or official ration, or a ration issued pursuant to § 1394.7757 or § 1394.7758.

(b) Application for a further ration (other than a further transport ration for use with a vehicle for which a Certificate of War Necessity has been issued) shall be made in the same manner as the application for the current ration, and the applicant shall append to the application a statement showing:

(1) The reason or reasons why a further ration will be needed for use before the end of the period for which the current ration was issued.

(2) If the further ration is needed for the reason set forth in subparagraph (2) of paragraph (a) of this section, that the current ration is insufficient to meet his needs for more than thirty days from the date of the application.

(c) If a Board determines that, for one or more of the reasons specified in paragraph (a) of this section, the applicant requires more mileage, or, in the case of a non-highway ration, he requires more gasoline than the amount provided by the current ration issued to him, and that he has satisfied all the requirements of this order in respect to the allowance and issuance of the ration for which he has applied, it may grant a further ration in accordance with the provisions of § 1394.8054. However, the Board may grant a ration to compensate for mileage lost by reason of a reduction in the unit value of Class A, B or C coupons or of the extension of the period of validity of Class A coupons or Basic Class D coupons only if it finds that the applicant still requires the mileage lost by reason of such reduction.

(d) No further supplemental ration under § 1394.7705, or official or fleet ration under § 1394.7755, or ration pursuant to the provisions of § 1394.7757 or § 1394.7758, or non-highway ration, shall be granted, pursuant to this section, which would permit the applicant to exceed the maximum mileage or gallonage to which he would be entitled under the provisions of paragraph (b) of § 1394.7704 or paragraph (b) of § 1394.7754 or § 1394.7904, as the case may be.

(e) No further transport ration shall be granted pursuant to this section which would allow a vehicle or fleet for the operation of which a Certificate of War Necessity is required more gasoline for the current ration period than the amount authorized by the Certificate of War Necessity or the last modification thereof except as follows:

(1) A further transport ration shall be granted for use with a vehicle or fleet for which a Certificate of War Necessity has been issued in an amount only sufficient to provide necessary mileage during the current calendar quarter for a non-recurring need. However, except in an emergency involving public welfare or safety, no further ration shall be allowed for such a non-recurring need:

(i) To the holder of a Certificate of War Necessity covering taxicab, livery or rental car operations;

(ii) To the holder of a Certificate of War Necessity in which the current quarter allotment of gasoline certified is "zero" ("0"), or in which no allotment of gasoline for the current quarter has been certified; or

(iii) To the holder of a Certificate of War Necessity in respect to which the district manager of the Office of Defense Transportation has notified the Board, in writing, that the maximum allotment of gasoline certified on such certificate is not subject to increase except upon further certification of such district manager.

(2) "Non-recurring need," as used in this paragraph, means a need not extending beyond the current calendar quarter and the next succeeding calendar quarter with no definite indication that it will recur in some quarter in the future, but the term does not include any need arising out of a permanent change of locality of operation.

(3) Application for a ration allowable under subparagraph (1) shall be made on OPA Form R-597 and shall contain, among other things, the following information:

(i) Nature of the applicant's business;

(ii) The reason or reasons why a further ration will be needed for use before the end of the period for which the current ration was issued;

(iii) The number of gallons of gasoline allotted to the applicant for the current calendar quarter which are available for use and the number of gallons needed to complete the quarter.

§ 1394.8053 *Special cases.* (a) Any person to whom a ration of a class specified in paragraph (b) of this section has been issued, who finds that the vehicle or vehicles for which such ration was granted cannot be operated for fifteen (15) miles (or, in the case of a motorcycle, for forty (40) miles) or more on a gallon of gasoline, may apply for a further ration for use prior to the end of the period for which such current ration was issued.

(b) Such application shall be made in the same manner as the application for the current ration. It may be granted only in the following cases:

(1) If such current ration is a supplemental ration based, in whole or in

part, upon an allowed mileage for carrying out one or more of the purposes set forth in § 1394.7706. However, in such case the further ration shall be issued only to adjust that portion of the allowed mileage which is used for one or more of the purposes enumerated in § 1394.7706.

(2) If such current ration is a supplemental ration issued pursuant to § 1394.7707 (d). However, in such case the further ration shall be issued only to adjust that portion of the allowed mileage which is used for driving between home and a fixed place or places of work, or between fixed places of work, in connection with the applicant's principal occupation, or for carrying out one or more of the purposes enumerated in § 1394.7706.

(c) The applicant shall append to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty (30) days from the date of the application;

(2) The nature of the use of the vehicle or vehicles for which the further ration is sought and the driving conditions under which such vehicle or vehicles are operated;

(3) The reason or reasons why a further ration is sought for use before the end of the period for which the current ration was issued;

(4) That the vehicle or vehicles for which the application is made are in sound mechanical condition and are being operated in such manner as to secure maximum economy of gasoline.

(d) If the Board determines that the vehicle or vehicles for which an application is made are being operated in such fashion as to obtain the maximum mileage per gallon of gasoline reasonably possible, it may, upon receiving the surrender of the former ration, issue a new and further ration in accordance with the provisions of paragraph (b) of § 1394.8054.

§ 1394.8054 *General provisions.* (a) All of the provisions of this order applicable to the issuance of an original ration shall apply to the renewal of a ration and to the issuance of a further ration pursuant to §§ 1394.8051, 1394.8052 and 1394.8053, except as otherwise expressly provided in those sections.

(b) Except as provided in paragraph (c) of this section and § 1394.7904 (a) (5) (iv), when granting a further ration pursuant to the provisions of §§ 1394.8052 or 1394.8053 for use before the end of the period for which the current ration was issued, the Board shall require the surrender of such current ration and upon receiving the surrender thereof shall issue a new ration valid from the date of issuance.

(c) When granting a further ration as a transport ration for use prior to the expiration date of the current ration the Board shall allow, subject to the provisions of § 1394.8052 (e), the amount of gasoline required by the applicant prior to the end of the period during which his current ration is to be used.

§ 1394.8055 *Limitation on restoration of mileage lost by a reduction in unit*

value of coupons. Whenever any employee of a facility or establishment described in § 1394.7706 (c) for which a plant transportation committee has been established suffers a loss of mileage in respect to a supplemental ration for driving to and from his occupation at such plant or facility caused by a reduction of the unit value of Class A, B or C coupons made after February 16, 1944, or by an extension of the valid period of the A coupon, no Board shall allow any mileage or issue a ration which will in any way compensate for such loss of mileage unless:

(a) The appropriate District Director, after an investigation and subject to general standards prescribed by the Office of Price Administration, Washington, D. C., has designated such facility or establishment as one whose employees shall be eligible for a restoration of such loss of mileage; or

(b) The applicant in such a case established by clear and convincing proof that a bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) are regularly carried in the vehicle for the purpose of going to and from their occupations, or that no such ride-sharing arrangement exists but as many passengers as the capacity of the vehicle permits, are being transported in the vehicle.

EXPIRATION, REVOCATION AND REDETERMINATION OF RATIONS

§ 1394.8101 *Invalidity of expired rations.* No ration evidence may be used and no ration evidence shall be valid for transfer of gasoline to a consumer after the expiration of the ration.

§ 1394.8102 *Expiration of rations and surrender of expired rations.*—(a) *Basic rations.* All Class A coupons and Class D coupons issued as basic rations shall expire at the end of the respective valid periods provided in § 1394.7652.

(b) *Supplemental, fleet, official, and similar occupational rations.* (1) The coupons and any ration checks issued by a Board representing any supplemental, fleet or official ration, or any ration issued under § 1394.7757 for a vehicle operated on interchangeable license plates, or any ration issued under § 1394.7758 for a leased rental vehicle for a period of three months shall expire on the date when a renewal of such ration becomes valid. A ration issued under § 1394.7758 for a vehicle available for public rental leased for a period of less than three months shall expire as noted on the application and the ration evidence or folder.

(2) Every supplemental ration issued for use in connection with the employment of a ration holder at a plant, establishment or facility at which an organized transportation plan has been established, and every supplemental ration issued for driving by an officer, agent, representative or employee of a government or government agency for carrying on the official business of such government or government agency shall expire

upon termination of the employment of the ration holder at such plant, establishment or facility, or for such government or government agency, if the committee or official in charge of the organized transportation plan or the Government Mileage Administrator who has jurisdiction to certify the application has been given authority to accept the surrender of expired rations. When a ration expires for this reason, or for any of the reasons set forth in paragraph (f) (2), all unused coupons representing such ration shall be surrendered immediately by the holder thereof to such committee or official, Government Mileage Administrator or to the issuing Board. If such ration is evidenced by credits in a ration bank account, the holder shall immediately issue to such committee or official, Government Mileage Administrator or to the issuing Board a ration check, payable to the Office of Price Administration for the net balance in his account representing such expired ration after deducting the aggregate gallonage of all outstanding checks. A committee or official in charge of an organized transportation plan or a Government Mileage Administrator to whom any ration coupons or a ration check is surrendered shall issue a receipt therefor in duplicate on Form OPA R-599 and shall cancel all coupons surrendered. The committee or official or the Government Mileage Administrator shall give the original of the receipt to the person surrendering the evidences and shall forward the duplicate of the receipt together with the surrendered coupons or ration check to the District Director having jurisdiction over the area in which such plant, establishment or facility or the office of the Government Mileage Administrator is located.

(3) The committee or official in charge of an organized transportation plan at a plant, establishment or facility or a Government Mileage Administrator may be given authority to accept the surrender of expired rations by the District Director having jurisdiction over the area in which such plant, establishment or facility or the office of the Government Mileage Administrator is located.

(c) *Transport rations.* (1) All transport rations represented by Class T coupons or ration checks issued by Boards shall expire at midnight on the last day of the calendar quarterly period for which they are issued.

(2) A transport ration shall also expire immediately upon revocation by the Office of Defense Transportation of any certificate of war necessity for the vehicle or vehicles for which the ration was issued.

(3) When the Office of Defense Transportation has modified a certificate of war necessity by decreasing the number of gallons of gasoline allowed under such certificate, it may determine the amount of Class T coupons or credits in a ration bank account the holder has on hand for the operation of the vehicle or vehicles for which such certificate and ration were issued for the remainder of

the quarter. It may also determine what amount, if any, of such coupons or credits provide gallonage in excess of the gallonage required for the operation of such vehicle or vehicles for the remainder of the quarter under the modified certificate, and in such a case the Office of Defense Transportation shall notify the holder of the amount of such excess coupons and ration credits. Thereupon such coupons and ration credits shall immediately expire.

(d) *Special rations.* Every coupon and any gasoline purchase permit or ration check issued by a Board representing a special ration shall expire as noted on the applications or ration evidences.

(e) *Non-highway rations.* Every coupon representing a non-highway ration shall expire on the date when a renewal of such ration becomes valid unless the gallonage value of the coupons representing the non-highway ration has been deducted in computing the gallonage value of the coupons issued in renewal of a ration in accordance with § 1394.7904 (a) (5) (ii).

(f) *Other circumstances which cause expiration of rations: Cessation of use, change of ownership, change in circumstances of use.* (1) Every ration shall expire upon cessation of use or change of ownership of the vehicle, boat or equipment for which it was issued. The transferee of the vehicle, boat or equipment may apply for a ration therefor in his own behalf, in accordance with the applicable provisions of this order. However, the transferee may not obtain a ration unless a bona fide transfer is involved and he presents a duplicate copy of a receipt on Form OPA R-569 pursuant to § 1394.8017.

(2) Every ration other than a basic ration shall expire upon cessation of use of the ration for a purpose for which such ration may be obtained. Every ration other than a basic or transport ration shall expire when a change occurs in the circumstances under which the ration is being used, of such nature and duration that a ration of the same class or substantially the same quantity could not be issued under the changed circumstances. Such a change in circumstances shall be deemed to have occurred:

(i) If the person for whose use the ration was issued changes the place of his lodging, the place of employment or the route or area over which he regularly drives, so as to decrease his need for mileage;

(ii) If the ration includes preferred mileage in excess of the limitation on non-preferred mileage, and the person for whose use the ration was issued changes his occupation so that he is no longer entitled to preferred mileage.

(iii) If reasonably adequate alternative means of transportation become available for a person whose ration was issued because such means were not available;

(iv) If a person whose ration was issued on the basis of a ride-sharing arrangement fails to maintain a ride-

sharing arrangement under which he carries at least four persons, including the operator, under the circumstances stated in his application.

(g) *General requirements for surrender of expired rations.* Unless otherwise provided in this section, the person to whom a ration has been issued, or any person having possession of such ration, shall, within five days after such ration expires, surrender all unused ration evidences, and credits representing such ration and any folder to the issuing Board or, upon good cause shown, to any Board. If the expired ration is evidenced by credits in a ration bank account, the person to whom it was issued shall make such surrender by issuing an uncertified check for the net balance in such account representing such expired ration after deducting the aggregate gallonage of all outstanding checks. The check shall be made payable to the Office of Price Administration.

(h) *Issuance of receipts for rations surrendered on transfer of vehicle.* (1) Upon receiving the surrender, pursuant to paragraph (g) of this section, of all of the unused coupon books, coupons, folders and credits in a ration bank account which represent a ration for use with a motor vehicle transferred to a new owner, the Board shall issue a receipt (Form OPA R-569) in duplicate. When a Board is satisfied that the ration issued to the transferor of the vehicle has been lost, stolen or accidentally destroyed or is being wrongfully withheld from the possession of the transferor, or that no ration (whether valid or expired) issued for use with such vehicle is outstanding, or is satisfied that to refuse to issue a receipt (Form R-569) or to require surrender of such ration would cause undue hardship, the Board shall issue such a receipt in duplicate without a surrender of such coupons, books and ration checks.

(2) After December 31, 1943, any person who transfers a motor vehicle shall deliver to the transferee within two days of transfer duplicate copies of a receipt duly issued by a Board on Form OPA R-569.

No transferee who acquires a motor vehicle for the purpose of resale may act as agent of the transferor in surrendering a ration to obtain a receipt on Form OPA R-569, and no receipt shall be issued to such transferee unless he obtains from the transferor at the time such vehicle is acquired a certification executed in accordance with the provisions of this subparagraph and surrenders it to the Board with the ration. Such certification shall be dated as of the date of its execution and shall be signed by the transferor and transferee. In such certification the transferor shall state the number and type of coupons and the gallonage value of any ration check or other ration evidence surrendered to the transferee and the transferee shall acknowledge receipt of such ration evidences and shall state that he undertakes to deliver them to the appropriate Board. The fol-

lowing form or like form will be sufficient as such certification:

This is to certify that I, _____, (transferor)
_____, have this the _____
(address)
day of _____, 19____, transferred to
(transferee) (address)
one motor vehicle described as follows:

Make _____
Body style _____
Motor number _____
Registration number _____
State _____

and that I have surrendered to the transferee the following gasoline rations issued for use with such vehicle:

Number and type of coupons _____
Total gallonage value _____
Gasoline purchase permits _____
Ration check _____

The transferor herewith certifies that the rations listed herein are the total outstanding rations issued for use with such vehicle and the transferee acknowledges the receipt of such rations and undertakes to deliver them to the appropriate local War Price and Rationing Board.

Executed this _____ day of _____, 19____

_____, (signed)

Transferor

_____, (signed)

Transferee

(3) After December 31, 1943, the transferee of a motor vehicle, before registering the vehicle in any state for use, shall present the original copy of the receipt on Form OPA R-569 to the Registrar of Motor Vehicles. The duplicate copy of the receipt shall be submitted by the transferee of the motor vehicle to the Board pursuant to the provisions of § 1394.8017 at the time he applies for a ration for the vehicle.

(4) Any motor vehicle dealer holding for sale or resale any motor vehicle which he acquired before January 1, 1944 and for which no currently valid ration has been issued (except a special ration pursuant to the provisions of § 1394.7851 (b) (3) (1)), shall obtain duplicate copies of a receipt on Form OPA R-569 for each such vehicle held by him, by making application to the Board having jurisdiction over the area in which his dealer's establishment is located. Each such dealer shall execute in duplicate an inventory and application on Form OPA R-578 for such receipts. He shall deliver the original of such inventory and application to such Board on or after January 1, 1944, but not later than January 11, 1944, and shall retain the duplicate copy thereof until December 31, 1944. After December 31, 1943, any motor vehicle dealer who acquires a motor vehicle shall obtain duplicate copies of a receipt duly issued by a Board on Form OPA R-569 from the transferor of the vehicle at the time of transfer.

(5) Any person who scraps a motor vehicle on or after January 1, 1944 shall keep on hand for a period of twelve months at the place of business or other establishment where such vehicle was scrapped, duplicate copies of a receipt on Form OPA R-569 for every such vehicle, received by him on or after January 1, 1944.

§ 1394.8104 *Coupon books property of Office of Price Administration; summary*

revocations. (a) All coupon books, coupons, other evidences, folders and mileage rationing records are, and when issued shall remain, the property of the Office of Price Administration. The Office of Price Administration may refuse to issue, and may suspend, cancel, revoke, or recall any ration and may require the surrender and return of any coupon book, coupon, other evidences, folders and mileage rationing records during suspension or pursuant to revocation or cancellation, whenever it deems it to be in the public interest to do so.

(b) Upon certification by the Office of Defense Transportation, acting through a person designated by it for that purpose, that any person to whom a ration has been issued has been found by it to have violated an order of such Office, and upon recommendation by such Office that a ration or any part thereof, issued to such person, be revoked, the Office of Price Administration acting through a Board, or through a District Director or through such officers or employees as the District Director may designate for that purpose, shall revoke such ration, or any part thereof, in accordance with such recommendation.

(c) Any ration issued to a person not entitled thereto on the basis of the facts stated in the application, may be revoked by the issuing Board, and the Board may order that any coupons, coupon books or ration credits issued therefor be surrendered. If the Board finds that the holder is entitled to a ration of a different class or quantity than that issued, it shall issue such ration in lieu of the ration revoked.

(d) Upon certification by the Office of Defense Transportation that a certificate of war necessity has been revoked or has been modified by decreasing the number of gallons of gasoline allowed, and that the holder of such certificate has a specified quantity of credits in a ration bank account, or unused Class T coupons issued for use with a motor vehicle or vehicles under such certificate, in excess of the amount necessary to provide the gallonage required under the modified certificate for the remainder of the quarter for which such ration was issued, the Office of Price Administration acting through a Board, or through a District Director or through such officers or employees as the District Director may designate for such purpose, shall, by summary order, revoke such excess ration credits or coupons, or any part thereof in accordance with such certification. Such order shall also require the ration holder to surrender to a specified Board or officer all revoked coupons and any folder outstanding in connection therewith, and a ration check payable to the Office of Price Administration for all revoked credits in a ration bank account.

(e) Any person required to surrender coupons, coupon books or other ration evidences or a folder by the terms of an order made pursuant to this order shall surrender them as required by the terms of such order. If the ration required to be surrendered has been deposited by the ration holder in a ration bank account maintained by him, he shall deliver to the issuing Board a ration check, payable to the Office of

Price Administration, for the gallonage required to be surrendered. If the ration holder fails or refuses to deliver such check, the Board shall notify the District Office of the Office of Price Administration having jurisdiction over the area served by such Board. The District Office, upon receiving such notice, shall inform the depositor's bank of the decision and the bank shall make such charge or adjustment of the account of the depositor as is necessary to give effect to the order.

§ 1394.8105 *Revocation, suspension and denial of consumer's ration after hearing.* (a) (1) Whenever a person violates any provision of Ration Order No. 1A or this order, or whenever any other person using a motor vehicle on his behalf or at his direction or with his consent, violates any provision of Ration Order No. 1A or this order, any Board after hearing may, in its discretion, revoke and suspend his rations in whole or in part (and in such a case require the surrender to it of coupons, coupon books or other ration evidences and any folder outstanding in connection therewith and prohibit him from using any gasoline which is a part of any ration which is revoked or suspended by such order) and deny him a ration or rations, in whole or in part, for such period as it may deem appropriate in the public interest. The Board may designate one or more of its members to perform the function described in this paragraph.

(2) Any order issued pursuant to subparagraph (1) of this paragraph shall be made pursuant to the following procedure:

(1) Notice of the date, time, place and purpose of the hearing and a specification of the violation charged shall be given to the person (hereafter called the respondent) against whom the proceedings are instituted at least three days before the date set for the hearing. If the respondent admits the charge or fails to appear at the hearing, or if the Board determines after hearing that a violation of a provision of Ration Order No. 1A or this order described in such notice has been committed by the respondent, or by a person using a motor vehicle on his behalf or at his direction or with his consent, the Board may by order revoke, and suspend for a period which shall be stated therein, the rations issued to the respondent in whole or in part (and in such a case, by its order, direct him to surrender to it the coupons, coupon books or other ration evidences issued to him and any folder outstanding in connection therewith to the extent required to make such revocation effective, and prohibit the respondent from using any gasoline which is a part of any ration which is revoked or suspended by such order) and the Board may, by order, deny him a ration or rations, in whole or in part, for such period as it may deem appropriate in public interest.

(ii) If a respondent against whom an order has been issued for failure to appear at the hearing shows, within a reasonable time, not to exceed thirty days from the effective date of such order, good cause to the Board for such

failure, the Board may set aside or stay such order and grant the respondent a full hearing on the charges made.

(iii) A copy of the order shall be served promptly on the respondent personally or by mail directed to his last known address, and copies thereof shall be sent to the District Office which has jurisdiction over the area in which the Board is located.

(iv) The Board, in its discretion, shall fix the effective date of such order, except that if the Board fails to fix the effective date, such order shall, if personally served, become effective at the time of such service, and if served by mail, three days after the date of mailing.

(v) Before sending a notice of hearing for the purpose of instituting a proceeding to revoke or suspend a transport ration issued pursuant to the terms of a Certificate of War Necessity, the Board shall notify the appropriate District Office of the Office of Defense Transportation of the pending proceeding. The Board shall not institute such a proceeding if such District Office notifies the Board within 10 days from the date of such notification that because of the essentiality of the transportation provided by the ration holder it would not be in the public interest to suspend or revoke such ration. However, a proceeding may be instituted by a special hearing officer without giving prior notice to the Office of Defense Transportation.

(b) (1) The provisions applicable to requests for hearing and review, stay orders and appeals, pursuant to the provisions of paragraphs (b), (c) and (d) of this section in effect before May 11, 1943, which govern review, rights to appeal, and appeals pending from orders issued pursuant to this section before such date, and all provisions of such paragraphs before such date are continued in effect for those purposes.

(2) Any respondent against whom an order has been issued after May 10, 1943, pursuant to the provisions of paragraph (a) of this section may, within fifteen days after the effective date thereof, appeal from such order by filing a statement of objections to the order with the Board which issued it. Within three days after receipt of the statement, the Board shall forward it together with a copy of the notice served to the District Office which has jurisdiction over the area in which the Board is located. Within three days after receipt of such statement from the Board, the District Director shall set a date for hearing on the charges and at least three days prior to the hearing shall notify the respondent personally or by registered mail directed to his last known address of the time and place set for the hearing. Such hearing shall be conducted by the District Director as Special Hearing Officer or by such officer or employee of the Office of Price Administration as may be designated by the District Director as Special Hearing Officer.

(3) The Special Hearing Officer may, for good cause shown upon application by the respondent, stay or suspend the operation of the order of the Board pending the hearing and determination of the appeal. The Special Hearing Officer shall administer oaths and af-

firmations and rule on the admission and exclusion of evidence. The hearing shall be conducted by the Special Hearing Officer in such manner as will permit the respondent to present evidence and argument to the fullest extent compatible with fair and expeditious determination of the issues raised in the hearing. To this end:

(i) The respondent shall have the right to be represented by counsel of his own choosing;

(ii) The rules of evidence prevailing in courts of law or equity shall not be controlling;

(iii) The Special Hearing Officer, having due regard to the need for expeditious decision, shall afford reasonable opportunity for cross-examination of witnesses;

(iv) A stenographic report of all hearings shall be taken. The report need not be transcribed if such transcription is waived by the parties to the proceeding. If the report is transcribed, a copy shall be available for inspection during business hours at the office of the District Director.

(4) If, after such hearing, the Special Hearing Officer finds that the respondent, or a person using a motor vehicle on his behalf or at his direction or with his consent has violated any provision of Ration Order No. 1A or this order specified in the original notice of hearing given under paragraph (a) (2) (i) of this section, he shall issue an order affirming or modifying the order of the Board to provide for such revocation, suspension or denial as he shall deem appropriate. If the Special Hearing Officer finds that the violation charged in the original notice of hearing has not been committed by the respondent or by a person using a motor vehicle on his behalf or at his direction or with his consent, he shall issue an order rescinding the order of the Board. Any order issued by the Special Hearing Officer upon determination of the appeal shall supersede the order of the Board from which the appeal was taken. A copy of the order of the Special Hearing Officer shall promptly be served upon the respondent and upon the Board.

(c) (1) The functions of the Board described in paragraph (a) (1) of this section may also be exercised by Special Hearing Officers in accordance with the procedures and in the manner provided in paragraph (a) (2) of this section. All District Directors and all officers and employees of the Office of Price Administration designated by District Directors for such purpose may act as such Special Hearing Officers.

(2) Any person against whom an order has been issued by a Special Hearing Officer pursuant to the provisions of paragraph (c) of this section may, within fifteen days after the effective date thereof, appeal from such order by filing a statement of objections to the order with the Special Hearing Officer who issued it. Within three days after the receipt of the statement, the Special Hearing Officer shall forward it, together with a copy of the notice instituting such proceedings, and a copy of the order to the Hearing Commissioner having jurisdiction over the area in which the hear-

ing was conducted. Within five days after the receipt of the statement the Hearing Commissioner shall notify the respondent and the District Director in the District in which the hearing was conducted of the time and place set for the hearing. The appeal shall be heard and determined pursuant to the provisions of § 1300.151 of Revised Procedural Regulation No. 4^a and amendments thereto.

(d) Whenever an order issued by a Board pursuant to the provisions of this section has been rescinded or modified, the Board shall, if any part of the ration has been surrendered, reissue all or part of such ration for the remaining portion of the period for which such ration was originally issued, or shall order the surrender of additional evidences, in accordance with the decision modifying such order.

§ 1394.8106 *Issuance of ration during period of revocation, cancellation, suspension or denial.* (a) A person who has been denied a ration for a specified period or whose ration has been revoked or suspended by the order of a Board or a Special Hearing Officer or a Hearing Commissioner, may apply in writing to the District Director for the issuance of a ration in lieu thereof upon the ground that the issuance of such ration is necessary to the war effort or in the interest of health or safety or otherwise appropriate in the public interest. The District Director may deny such application or may grant such application, in whole or in part. In the event that the District Director shall grant such application, in whole or in part, he shall serve a copy of his order upon the Board having jurisdiction over the applicant. No appeal may be taken from an order issued by the District Director under this paragraph.

(b) Except as provided in paragraph (a) of this section, no person whose ration has been denied for a specified period or revoked, or suspended by order of a Board or a Special Hearing Officer or a Hearing Commissioner shall receive or accept any ration in lieu of the ration denied, suspended, or revoked for the period of such denial, revocation, or suspension and no other person shall receive or accept any ration for the use of such person.

§ 1394.8108 *Presentation of registration cards and mileage rationing records after revocation of ration or denial of rations for a specified period and notations thereon.* Whenever by an order issued pursuant to the provisions of this order a ration of a person is revoked or suspended in whole or in part or a person has been denied a ration for a specified period, or such an order has been modified or nullified, such person shall, within twenty-four hours after such order becomes effective, present the mileage rationing record and the registration card or registration certificate and the fleet or single unit Certificate of War Necessity, if any, for any motor vehicle affected by any such order, to the Board or representative of the Office of Price Administration that issued or modified such

order. Thereupon such officer or the Board shall make a clear notation in ink, indelible pencil or by typewriter on the mileage rationing record and the registration card or registration certificate and the Certificate of War Necessity, if any, stating the effect of such order or any modification thereof.

§ 1394.8110 *Redetermination of rations other than basic and transport rations in connection with applications for tires.* When application is made by the holder of a supplemental, fleet or official ration, or a ration issued pursuant to § 1394.7757 of this order for a tire, the Board shall reconsider the application on the basis of which such ration was issued to determine whether the applicant is entitled, pursuant to this order to the ration held by him. If such application is not available at the Board, the Board shall require the applicant to file a new application. If the Board finds the applicant to be entitled, under this order to a ration of a different class or different allowed mileage than the ration held by him it shall require the applicant to surrender such ration and shall issue a ration of the class and mileage to which the Board finds the applicant to be entitled.

§ 1394.8112 *Exchange of certain coupons.* (a) Every consumer who has in his possession or control any Class T coupons designated for use in a specified calendar quarter which were issued to him as a special ration may surrender such coupons to the appropriate Board, if the ration has not expired prior to the time of surrender. The Board shall issue to the consumer, in exchange for such coupons, Class T coupons which are valid for transfer in the calendar quarter in which they are to be used. The ration represented by the coupons shall have the same expiration date as the ration represented by the coupons surrendered, and shall have a gallonage value to be determined in accordance with paragraph (c) of this section.

(b) Every consumer who has in his possession or control any Class D coupon which is not serially numbered or any Class B-5, Class C-5, Class E-1 or Class R-1 coupons which were issued to him as a ration and which have not expired may surrender such coupons to the Board having jurisdiction to renew such rations or, upon good cause shown to any Board. If such a ration is surrendered before it has expired, the Board shall issue to the consumer, in exchange for such coupons valid ration evidences of any appropriate class having the same expiration date or earliest renewal date as the rations surrendered and having a gallonage value to be determined in accordance with paragraph (c) of this section.

(c) The Board shall either issue appropriate ration evidences only sufficient to provide the aggregate gallonage value of the coupons surrendered, or it shall review the application on the basis of which the surrendered ration was issued, and, in such a case, shall issue appropriate ration evidences sufficient to provide for the established mileage or gallonage need of the consumer until the expiration date or earliest renewal date of the surrendered ration, but not in

excess of the gallonage value of the coupons surrendered.

§ 1394.8114 *Authority of Regional Administrators, District Directors and persons designated by either of them to cancel and require the surrender of coupons, folders, coupon books, ration checks and ration credits.* (a) The several Regional Administrators and District Directors of the Office of Price Administration are authorized to determine upon review of the action of any Board within their respective regions or districts, whether any ration holder was entitled under the provisions of Ration Order 5C or this order to receive the ration issued to him or whether any dealer or intermediate distributor was entitled under the provisions of Ration Order 5C or this order to receive any ration check, inventory coupon or gasoline deposit certificate issued to him, or credits in a ration bank account arising from the deposit of such check, coupon or certificate. The authority vested in Regional Administrators and District Directors in this paragraph may be exercised by any person designated by the Regional Administrator or District Director to act in his name for such purpose.

(b) In any case where a Regional Administrator or a District Director or a person designated by him is authorized by any provision of this order to review or redetermine the right of any ration holder to receive any ration, or the right of any dealer or intermediate distributor to receive any ration check, inventory coupon or gasoline deposit certificate, such officer, before requiring the surrender of any such documents or credits shall notify the holder that his right to retain such documents or credits is under review and shall allow a reasonable time in which the holder may present evidence in support of his right to receive or retain such ration, coupon, certificate, check or credits under the provisions of this order. Such officer shall receive and consider any evidence presented by the holder, and may require him to appear for examination and to produce such witnesses or evidence as he may deem material. If the original application or certification and the other evidence presented fails to establish that the ration holder, dealer, or distributor was entitled under the provisions of Ration Order 5C or this order to receive the ration books, coupons, folders, ration checks or gasoline deposit certificates issued to him the Regional Administrator, District Director, or other designated person may order the surrender of any such books, coupons, folders, ration checks or gasoline deposit certificates, or a ration check drawn upon credits arising from the deposit of such coupons, checks or certificates. Any person required to surrender ration books, coupons, folders, checks, gasoline deposit certificates or ration credits by the terms of an order issued pursuant to this section shall surrender them as required by the terms of such order. Ration credits shall be surrendered by the issuance and delivery of a ration check payable to the Office of Price Administration. Any person may appeal from an adverse decision under such review or redetermina-

tion pursuant to Procedural Regulation No. 9.

§ 1394.8117 *Expiration and denial of supplemental rations upon certification of the Navy Department in certain cases.* (a) Notwithstanding any other provision of this order, if the Navy Department's Officer-in-Charge of any of the plants specified below certifies to the appropriate Regional Office of the Office of Price Administration that an employee of any such plant is refusing or failing to comply with Executive Order No. 9463, the orders of the National War Labor Board or the lawful orders of such Officer-in-Charge, any supplemental ration issued to or for the use of such employee for occupational mileage for driving to or from any of such plants shall expire and the person to whom such ration was issued shall immediately surrender such ration to the issuing Board or to the person or persons authorized by the appropriate Regional Administrator to accept the surrender of such ration. The Regional Administrator is authorized to adopt procedures and issue all orders necessary to obtain surrender of such expired rations.

(b) No Board shall issue a supplemental ration to such an employee for such a purpose except upon presentation to the Board of a written statement signed by the Officer-in-Charge withdrawing such certification or stating that the applicant is now complying with such orders.

(c) The plants affected by this section are as follows:

The plants of the Pacific Gear and Tool Works, the Federal Mogul Corporation, the Link-Belt Company (Pacific Division), the U. S. Pipe and Manufacturing Company, and the Enterprise Engine and Foundry Company, located at San Francisco, California, and the plants specified in Executive Order No. 9466.

GENERAL PROVISIONS WITH RESPECT TO TRANSFERS AND USE

RESTRICTIONS ON TRANSFERS

§ 1394.8151 *Restriction on transfer to consumers.* On and after November 22, 1942, and notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person other than a dealer or distributor shall transfer or offer to transfer gasoline to a consumer, and no consumer shall accept a transfer of gasoline from a person other than a dealer or distributor, except as provided in §§ 1394.8154a, 1394.8157, 1394.8158, and 1394.8210.

§ 1394.8152 *Transfers to consumers.* On and after November 22, 1942, and notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, a dealer or distributor may transfer gasoline to a consumer, and a consumer may accept such transfer of gasoline, only in exchange for valid coupons, except as provided in §§ 1394.8153, 1394.8153a, 1394.8154, 1394.8155, and 1394.8156.

§ 1394.8153 *Transfers to consumers in exchange for coupons, ration checks and gasoline purchase permits.* (a) Coupons issued for registered and commercial motor vehicles. Transfers may be made and

accepted under the following conditions in exchange for Class A, B, C, D, or T coupons having an aggregate unit value equal to the amount of gasoline transferred. However, if the transferee is able to accept only a portion of the amount of gasoline represented by the unit value of the coupon, the transferor shall nevertheless require the surrender of an entire coupon.

(1) In the case of a coupon issued in a ration book, the transferor at the time of transfer, must require presentation of the coupon book and must detach therefrom coupons having an aggregate unit value equal to the amount of gasoline transferred. No transfer may be made pursuant to this subparagraph in exchange for a coupon detached before the presentation of the coupon book to the transferor.

(2) In the case of a serially numbered coupon issued in strips in connection with an identifying folder, the transferor, at the time of transfer, must require presentation of the coupons and the identifying folder. No transfer may be made pursuant to this subparagraph in exchange for a coupon which does not bear a serial number included in the sequence of serial numbers specified on the cover of the identifying folder.

(3) Transfer may be made only into the fuel tank of a motor vehicle identified on the coupon book or folder presented and only if a sticker corresponding to the class of coupon book or coupon presented is conspicuously displayed on such vehicle, as required by the provisions of § 1394.8165 relating to stickers. These rules, however, are subject to the following three exceptions:

(i) Upon the presentation of a Class A book, transfer may be made into the fuel tank of a passenger automobile identified on such book if a Class B or C sticker is displayed.

(ii) If the ration book or identifying folder bears a notation by a Board indicating that bulk transfer is authorized, a bulk transfer may be made in exchange for a coupon contained in such book or bearing a serial number included in the serial numbers specified on such folder.

(iii) Bulk transfer may also be made, of an amount of gasoline not in excess of one unit, to enable a vehicle stranded for lack of gasoline to reach a source of supply; in such case the transferor shall retain the ration book presented, or the identifying folder and coupons presented, until the vehicle is brought to the place of transfer for identification.

(4) Transfer may be made only on and after the validity date noted on the identifying folder presented or, in the case of a Class A book only during the valid period of the coupon in exchange for which the transfer is to be made. In the case of rations issued for leased vehicles and special rations which bear an expiration date, and of Class T coupons, transfers may be made only during the valid period noted on the identifying folder which is presented. In the case of Class T coupons bearing the designation of a specified calendar quarter, no transfer shall be made for such coupons before or after such specified quarter.

(5) Transfer may be made only in exchange for coupons bearing the notations required by § 1394.8004 (e).

(6) No transfer may be made in exchange for any of the following coupons:

(i) Coupons contained in Class T-1 or Class T-2 books issued on Forms OPA R-532A, R-532B, R-533A, or R-533D; Class T coupons issued on Form OPA R-532C.

(ii) Class B coupons issued on Forms OPA R-527, R-527A, or R-527B; Class B-1 coupons issued on Form OPA R-527C; Class B-2 coupons issued on Form OPA R-527D; Class B-3 coupons issued on Form OPA R-527E; "Class B-4 coupons issued on Form OPA R-527F; Class B-5 coupons.

(iii) Class C coupons issued on Form OPA R-528, R-528A, or R-528B; Class C-1 coupons issued on Form OPA R-528C; Class C-2 coupons issued on Form OPA R-528D; Class C-3 coupons issued on Form OPA R-528E; Class C-4 coupons issued on Form OPA R-528F; Class C-5 coupons.

(iv) Class D coupons which are not serially numbered.

(b) *Coupons issued for non-highway rations.* Bulk transfer may be made in exchange for Class E and R coupons under the following conditions:

(1) (i) The transferor must require presentation of the coupons and identifying folder at the time of transfer. No transfer may be made pursuant to this paragraph in exchange for a coupon which does not bear a serial number included in the sequence of serial numbers specified on the cover of the identifying folder.

(ii) If a delivery record has been issued for use with the non-highway ration pursuant to § 1394.7904 (a) (4), the transferee shall present the delivery record at the time of transfer, and the transferor shall note on the delivery record presented the following information:

(a) The date of delivery.
(b) The total gallonage value of Class E and R coupons surrendered.
(c) The total gallonage value of other evidences surrendered.
(d) The name and address of the transferor.
(e) The signature of the person delivering the gasoline.

(iii) If a delivery record has been issued for use with a non-highway ration but is not available at the time of transfer, the transferee shall request a delivery ticket from the transferor and on such request the transferor shall furnish the transferee with a delivery ticket containing the information set forth in subdivision (ii) of this subparagraph.

(2) No transfer in exchange for Class E or R coupons may be made into the fuel tank of, or knowingly made for the propulsion of a registered motor vehicle, commercial motor vehicle, or a motor vehicle held by a motor vehicle dealer for sale or resale or operated on dealer or other interchangeable plates, nor shall any such transfer be made into, or knowingly made for use in, the fuel supply tank of machinery or equipment mounted on a commercial motor vehicle.

(3) Transfer may be made only in exchange for coupons bearing the notations required by § 1394.8004 (e).

(4) No transfer may be made in exchange for any of the following coupons:

(i) Class E coupons issued on Forms OPA R-530, R-530A or R-530B; Class E-1 coupons.

(ii) Class R coupons issued on Forms OPA R-531, R-531A or R-531B; Class R-1 coupons.

(c) *Bulk transfers in exchange for ration checks.* Bulk transfers may be made in exchange for ration checks only as set forth below:

(1) The transferor must require surrender, at the time of transfer, of ration checks issued or endorsed to him by the transferee and having a value in gallons equal to the number of gallons of gasoline transferred, except:

(i) When any delivery of gasoline is made in the absence of the transferor or his agent, by barge, pipe line, tank car, or other carrier, or in the absence of the transferee or his agent, Class E or R coupons or a ration check need not be surrendered simultaneously with delivery, but must be forwarded by the transferee to the transferor within seven (7) days after delivery.

(ii) When any delivery of gasoline is made to a consumer from any terminal or storage facility which has been listed upon a schedule issued in accordance with § 1510.34 of Petroleum Directive 59,²⁴ the transferee may forward to the transferor within fifteen (15) days after receipt of such delivery an amount of coupons or other evidences equal in gallonage value to the amount of gasoline so delivered, or, when transfer is made on a temperature adjustment basis, equal in gallonage value to the adjusted quantity of gasoline so delivered.

(iii) When any transfer of gasoline is made to an establishment which is one of a group of twenty-five (25) or more served by a single ration bank account maintained by a bulk consumer pursuant to § 1394.8206a (e), the transferor may, in his discretion, permit a ration check to be forwarded within such time, not to exceed thirty (30) days after delivery, as may be agreed upon by the parties. Every person who makes a transfer of gasoline in this manner shall maintain a record or a copy of an invoice for each such transaction which shall show the name of the transferee, the date and place of delivery, the quantity of gasoline transferred, the name of the transferee's agent or employee, if any, who accepted the transfer and a notation indicating that a ration check is to be forwarded upon a delayed basis. Upon receipt of a ration check the transferor shall make an entry upon such record or invoice indicating that ration evidences have been received and the date upon which they were received. Every person who accepts a transfer of gasoline in this manner shall maintain a record or a copy of an invoice for each such transaction which shall show the name of the transferor, the date and place of delivery, the quantity of gasoline transferred and a notation indicating that a ration check is to be forwarded upon a delayed basis. Upon forwarding a ration check the transferee shall make an entry upon such record or invoice indi-

²⁴ 7 FR. 7759.

cating that ration evidences have been submitted and the date upon which they were forwarded.

(iv) When a transfer of gasoline is made to the Army, Navy, Marine Corps, Coast Guard, Maritime Commission or War Shipping Administration, a ration check need not be surrendered simultaneously with delivery, but may be forwarded by the transferee to the transferor as soon as practicable thereafter.

(2) Transfer may be made only in exchange for coupons bearing the notations required by § 1394.8004 (e).

(3) No transfer may be made in exchange for any 100-gallon bulk coupon or for any one gallon bulk coupon.

(e) *Gasoline purchase permits.* Transfer may be made and accepted in exchange for a duly issued gasoline purchase permit (Form OPA R-571) of an amount of gasoline which shall not exceed the amount stated in such permit. However, if a motor vehicle is described on the face of such permit transfer may be made only into the fuel tank of such motor vehicle.

§ 1394.8153a. *Transfers to certain fleet operators on a delayed settlement basis.* (a) *General.* This section provides for transfers of gasoline to operators of fleets of official or commercial motor vehicles on a delayed settlement basis (that is, without the surrender of ration evidences at the time of transfer). Transfers to such fleet operators on a delayed settlement basis may be made only if the conditions set forth in this section are met and the procedures provided are followed. When used in this section, the term "fleet operator" means the operator of a fleet of official or commercial motor vehicles.

(b) *Fleet operators eligible to receive transfers on a delayed settlement basis.* Any person (including a government, government agency, or government subdivision) who operates a fleet of official or commercial motor vehicles may acquire gasoline on a delayed settlement basis if he meets all the following tests:

(1) He acquires 960 gallons of gasoline or more per month for use with official or commercial motor vehicles and maintains a ration bank account pursuant to § 1394.8206a;

(2) He regularly acquires gasoline by direct transfer into the motor vehicle of his fleet on monetary credit, as permitted by Directive 62, issued by Petroleum Administration for War; and

(3) He advises the District Office having jurisdiction over the area where his principal place of business is located, in writing, the name and address of each place of business of a dealer or distributor from whom he will acquire gasoline upon a delayed settlement basis pursuant to this section and the average amount of gasoline he expects to acquire each week from such person upon this basis. Such fleet operator shall also furnish to every dealer and distributor so designated two signed copies of this letter of designation for each designated place of business.

(c) *Conditions of making the transfer.* A dealer or distributor properly designated pursuant to paragraph (b) of this section by the operator of a fleet of official or commercial motor vehicles may

transfer gasoline on a delayed settlement basis from his place of business so designated to that fleet operator, and that fleet operator may acquire gasoline on such basis from such place of business, only if the gasoline is sold on monetary credit and is transferred directly into the fuel tank of a unit of that operator's fleet which bears a clearly discernible official or fleet name, identification or designation. The transfer may be made to and accepted by the agent or employee of the fleet operator. However, a dealer or distributor who knows or has reason to know that any fleet operator is in default upon any obligation to make settlement in the manner provided in paragraph (f) of this section shall not transfer gasoline to that fleet operator, pursuant to this section, while such default continues.

(d) *Procedure at time of transfer.* The fleet operator, his agent or employee accepting the transfer, shall make out in triplicate a delivery receipt (supplied by the fleet operator). He shall give the original and the duplicate copy to the supplier at the time of transfer. He shall retain the triplicate copy. The delivery receipt shall contain:

(1) The name and address of the supplier;

(2) The quantity of gasoline transferred;

(3) The date and place of delivery;

(4) The name and address of the fleet operator;

(5) The signature of the person accepting the transfer of gasoline and executing the delivery receipt; and

(6) The signature of the supplier or the person acting for the supplier.

(e) *Billing for ration evidences owed.* Within the calendar week in which he makes any transfer of gasoline pursuant to this section, each dealer and distributor shall forward to the fleet operator a statement of the total gallonage of ration evidences owed, accompanied by the original delivery receipts.

(f) *Settlement.* Within the week following the calendar week in which he acquires gasoline pursuant to this section every fleet operator shall issue to his supplier a ration check for the number of gallons owed by him to that supplier. A fleet operator who fails to receive such a statement and original delivery receipts within a reasonable time after the calendar week in which such transfer was made shall immediately notify in writing the District Office having jurisdiction over the area where his principal place of business is located, stating all relevant facts and shall forward his ration check to his supplier for the gallonage of ration credits shown to be owing by his copies of the delivery receipts issued. A supplier who fails to receive a ration check in payment of a statement within two weeks after such statement was forwarded pursuant to paragraph (e) of this section, shall notify the District Office having jurisdiction over the area where his place of business is located, stating all the relevant facts.

(g) *Records to be kept and reports to be made by fleet operators.* (1) Delivery receipts shall be furnished by fleet operators for use as provided in paragraph (d) of this section and shall be securely

bound in pads and serially numbered. A set of delivery receipts for use in a single transaction shall consist of an original, plainly marked "original", a first copy, plainly marked "duplicate", and a second copy, plainly marked "triplicate", all of which shall bear the same serial number. The fleet operator shall audit all pads of delivery receipts distributed to his agents and employees at least once each month. He shall report promptly to the District Office having jurisdiction over the area where his principal place of business is located the serial numbers of all delivery receipts improperly detached from the pads, the name and address of the employee or agent who had custody of the pad during the period in which they were detached, and all other known circumstances.

(2) Every fleet operator who acquires gasoline on a delayed settlement basis shall maintain for one year a copy of all statements and original delivery receipts received pursuant to paragraph (e) of this section, together with a record of the dates and amounts of ration checks issued in settlement thereof. He shall also keep the triplicate copy of each delivery receipt issued until he receives the statement and original delivery receipt for the transaction.

(3) Every fleet operator who has designated a dealer or distributor for the purpose of making transfers of gasoline upon a delayed settlement basis in the manner provided in subparagraph (3) of paragraph (b) of this section shall promptly notify the District Director having jurisdiction over the area where his place of business is located of the termination of an arrangement made with any such dealer or distributor pursuant to this section.

(h) *Records to be kept and reports to be made by suppliers.* (1) Every dealer or distributor who transfers gasoline pursuant to this section shall maintain for one year:

(i) The duplicate copy of the delivery receipt accepted in each such transaction;

(ii) A copy of each statement forwarded to fleet operators pursuant to paragraph (e) of this section; and

(iii) A record, which may consist of a notation on the duplicate copy of the delivery receipt, of the date on which a statement was submitted pursuant to paragraph (e), and the date on which a ration check was received.

(2) Every dealer and distributor shall keep at the designated place of business one copy of each of the letters of designation received by him pursuant to the provisions of subparagraph (3) of paragraph (b) of this section during the period in which he makes deliveries of gasoline upon a delayed settlement basis and for one year after the termination of the arrangement for the transfer of gasoline by him pursuant to such letter and this section.

(3) Every dealer or distributor who has been designated in the manner provided in subparagraph (3) of paragraph (b) of this section shall promptly notify the District Director having jurisdiction over the area where his place of business is located of the termination of an arrangement made with any fleet

operator for the transfer of gasoline to him pursuant to this section.

§ 1394.8154 *Transfers in exchange for acknowledgments of delivery and military receipts.* (a) On and after April 21, 1944, an Acknowledgment of Delivery on Form OPA R-544, bearing a revision date earlier than April 15, 1943, shall be invalid for any purpose.

(b) On or before August 31, 1944, transfers may be made to the Army, Navy, Marine Corps, Coast Guard, Maritime Commission and War Shipping Administration of the United States in exchange for an Acknowledgment of Delivery on Form OPA R-544 Revised, bearing the revision date, April 15, 1943, or a later date.

(c) Transfers in exchange for an Acknowledgment of Delivery on Form OPA R-594 may be made by any person when such transfers are made directly into the fuel tanks of motor vehicles, motor boats or equipment which are owned or leased, and operated by the Army, Navy, Marine Corps or Coast Guard, and are clearly identifiable as so owned or leased and operated. Each Acknowledgment of Delivery shall be signed by the officer, agent or employee who receives such transfer. In the event that an Acknowledgment of Delivery form is not available, such transfers may be made in exchange for an Emergency Acknowledgment which is prepared in accordance with the provisions of § 1394.7952.

(d) Transfers may be made in exchange for Military Receipts for the delivery of gasoline on Form OPA R-593 when such transfers are made directly into the fuel tanks of private passenger automobiles. Each Military Receipt shall be signed by the officer, agent or employee who receives such transfer. No transfer in exchange for any one Military Receipt may exceed five gallons.

§ 1394.8154a *Transfers by the armed forces.* The Army, Navy, Marine Corps or Coast Guard and any activity of such agencies other than Post Exchanges or Ships' Service Stores, may make transfers of gasoline in exchange for valid evidences without registering as a dealer or a distributor.

§ 1394.8155 *Transfers for export.* (a) Any person (other than a licensed distributor) who desires to obtain gasoline for export to any insular or territorial possession of the United States, or to any foreign country, may execute and submit Part A of an export certificate on Form OPA R-560, in duplicate, to any Board. Such certificate shall state the amount of gasoline required for export, the proposed date and port of exportation and the name and address of the person desiring to export the gasoline. The Board shall retain the duplicate copy of the certificate and shall endorse and return the original copy to such person. The original copy, bearing the endorsement of the Board, shall constitute an evidence to authorize the transfer of the amount of gasoline stated thereon: *Provided*, That such certificate bearing the endorsement of an authorized official of the Federal government or any agency thereof shall be valid without endorsement by a Board, as an evidence to au-

thorize the transfer to such government or agency for the purpose of export, or for re-transfer by such government or agency for such purpose.

(b) Within thirty (30) days after submission to and endorsement of such certificate by a Board, the person who has acquired gasoline pursuant to the provisions of paragraph (a) of this section shall submit to the Board which endorsed the certificate, a copy of a Shippers' Export Declaration (Commerce Form 7525) bearing the notation of an authorized customs official that to the best of his knowledge and belief the amount of gasoline thereon stated has been exported. The Board shall attach the copy of the declaration submitted to the copy of the certificate on file. If the Board is not satisfied with the authenticity of the copy of the declaration, or in the event none has been presented to the Board within thirty (30) days after endorsement of the certificate, the Board shall send the file of the case to the Office of Price Administration in Washington, D. C., for investigation.

(c) Any dealer or intermediate distributor who has exported gasoline from within the limitation area, or who has exported gasoline from outside the limitation area on or after December 1, 1942, to an insular or territorial possession of the United States or to a foreign country, who has not acquired such gasoline pursuant to the provisions of paragraph (a) of this section, may obtain replenishment for the amount of gasoline exported by executing and presenting to a Board Part B of an export certificate on Form OPA R-560 submitting therewith a copy of a Shippers' Export Declaration (Commerce Form 7525), bearing the notation of an authorized customs official that to the best of his knowledge and belief the amount of gasoline thereon stated was so exported. The Board, if it is satisfied with the authenticity of the copy of such declaration, shall endorse such certificate and return it to such person, and shall retain a copy of the declaration for its files. Such certificate bearing the endorsement of a Board shall be valid to authorize a transfer of the amount of gasoline thereon stated, and may be used by the transferor of such gasoline as evidence for purposes of replenishment.

(d) No person acquiring gasoline pursuant to the provisions of paragraph (a) of this section may use such gasoline for any purpose other than for export to an insular or territorial possession of the United States or to a foreign country.

(e) Nothing in this section shall be construed to authorize the export of gasoline other than in accordance with the laws of the United States and the rules and regulations of the Foreign Economic Administration or of any other department or agency of the United States.

§ 1394.8156 *Emergency transfers.* (a) Transfer may be made in exchange for an emergency receipt on Form OPA R-555, of the amount of gasoline stated thereon, subject to the provisions of paragraphs (b) and (c) of this section.

(b) Any person requiring gasoline in order to meet an emergency involving serious threat to life, health or valuable

property, may obtain such gasoline by signing an emergency receipt on Form OPA R-555, in duplicate, and stating thereon the emergency purpose for which such gasoline is required and the reason why he is unable to present coupons in exchange for such gasoline. If such gasoline is required for use in a registered motor vehicle, he shall also state the license number of the vehicle in which such gasoline is to be used.

(c) Any dealer or distributor who has transferred gasoline in exchange for an emergency receipt, shall transmit such emergency receipt, in duplicate, to the Board having jurisdiction over the area in which his place of business is located. The Board, if it is satisfied that such dealer or distributor made a transfer, in good faith, of the amount of gasoline specified in such emergency receipt, shall issue to him, in exchange therefor, a ration check equal in gallonage value to the amount of gasoline so transferred. The Board shall retain one copy of such receipt in its own files and shall transmit the second copy to the Board having jurisdiction over the area in which the transferee resides, as stated on the receipt. If the Board is not satisfied that such dealer or distributor made a transfer, in good faith, of the amount of gasoline specified in such emergency receipt, it shall not issue to him any ration check therefor. In such case, the Board shall return one copy of the emergency receipt to the dealer or distributor, and shall transmit the second copy of such receipt to the District Director for appropriate action.

§ 1394.8157 *Transfer of vehicle, boat or equipment.* Nothing in this order shall be deemed to forbid the transfer of gasoline actually in the fuel supply tank of a vehicle, boat or equipment, in conjunction with a lawful and bona fide transfer of such vehicle, boat or equipment. The transferee of such vehicle, boat or equipment may use any gasoline actually in the fuel supply tank thereof at the time of transfer except as provided in § 1394.8183.

§ 1394.8158 *Transfer of consumer establishments; transfer by operation of law.* (a) Nothing in this order shall be deemed to forbid the transfer of gasoline actually in a storage tank or other container maintained by a consumer as part of an enterprise or establishment, in conjunction with a lawful and bona fide transfer of such enterprise or establishment itself, or a transfer of gasoline by legal process or operation of law.

(b) Any person to whom a transfer of the character described in paragraph (a) is made, shall forthwith report such transfer and the amount of gasoline involved, to the Board having jurisdiction over the area in which such gasoline is located. Such person, if a dealer or distributor, shall surrender to the Board, together with such report, coupons or other evidences having a value equal to the number of gallons of gasoline transferred. Such person, if not a dealer or distributor, may either:

(1) Transfer all or any part of such gasoline in exchange for coupons or other evidences having a value equal to the

number of gallons of gasoline so transferred: *Provided*, That such coupons or other evidences shall forthwith be surrendered by him to the Board for cancellation; or

(2) Consume such gasoline to the extent of any gasoline ration issued to him: *Provided*, That he may consume such gasoline only for the purpose for which such ration may be issued or, in the case of a special ration, for a purpose for which such ration was issued and shall surrender to the Board, for cancellation, coupons equal in value to the amount of gasoline consumed or to be consumed.

§ 1394.8159 *Rights of parties to contracts for transfer of gasoline.* If the performance of any contract or agreement for the transfer of gasoline is prevented by Ration Order 5C or this order, no party thereto shall be liable for failure to perform such contract or agreement: *Provided*, That any person who has received or has had the benefit of any deposit or other consideration on account of such contract shall be liable upon demand to return such deposit or other consideration or to pay the fair value thereof, in the event the consideration has been materially altered in condition or cannot be returned.

§ 1394.8160 *Signature on coupon book.* No coupon book may be used until the person to whom such book is issued has signed the certification provided for therein.

PROHIBITED ACTS

§ 1394.8161 *General restrictions on use.* (a) No person to whom a special ration has been issued may use or permit the use of such ration for any purpose other than the one for which it was issued. No person to whom a supplemental, official, fleet, or non-highway ration, or ration issued pursuant to the provisions of § 1394.7757 or § 1394.7758, has been issued may use or permit the use of such ration for a purpose other than one for which such ration could be obtained pursuant to the Ration Order under which it was issued.

(b) No transport ration issued for a vehicle for the operation of which a Certificate of War Necessity is required may be used other than for a purpose permitted by, or to an extent greater than that permitted by, the Certificate of War Necessity issued for such vehicle.

(c) No ration issued to the lessor of a vehicle available for public rental for use with such vehicle may be used by a lessee of such vehicle during the term of a lease of more than thirty consecutive days.

(d) Where the Office of Price Administration, Washington, D. C., finds that a critical gasoline shortage exists in any area it may order that in such area during an indefinite or definite period fixed by such order a basic ration, or a non-highway ration issued for use with a motor boat or outboard motor, may be used only as provided in subparagraphs (1) and (2) of this paragraph.

(1) No person may use or permit the use of a basic ration for any driving other than: (i) family or personal necessity driving for which no adequate alternative means of transportation are

available, or, (ii) occupational driving, or, (iii) driving by naval or military personnel on leave or furlough, evidenced by duly issued leave or furlough authorization, for the purpose of visiting relatives or making social calls. Family or personal necessity driving shall be deemed to include (but shall not be limited to): driving for the purpose of essential shopping, procuring medical attention, attending religious services, attending funerals; or for the purpose of attending meetings of groups or organizations directly concerned with the occupation or profession of the person using the vehicle, if such attendance is essential to or a part of the occupation or profession of such person; or driving for the purpose of meeting an emergency involving a threat to life, health, or property, or for receiving instruction or training in meeting or preparing to meet such emergencies. No basic ration may be used for non-essential or for pleasure driving, which shall include (but shall not be limited to): driving for the purpose of attending places of amusement, recreation or entertainment (such as theaters, amusement parks, concerts, dances, golf courses, skating rinks, bowling alleys or night clubs) or sporting or athletic events (such as races or games) or social club meetings, or for sightseeing, touring or vacation travel except as provided in subparagraph (3) of this section, or for making social calls, except that naval or military personnel on leave or furlough evidenced as specified above may use such a ration for the purpose of visiting relatives or making social calls.

(2) No person may use or permit the use of a non-highway ration issued for use with a motorboat or outboard motor for a non-occupational purpose for the operation of any boat other than for (i) family or personal necessity purposes for which no adequate alternative means of transportation are available, or (ii) travel by naval or military personnel on leave or furlough, evidenced by duly issued leave or furlough authorization, for the purpose of visiting relatives or making social calls. Family or personal necessity purposes shall include (but shall not be limited to) the purposes for which driving is permitted by subparagraph (1) of this paragraph and procuring and transporting essential food and supplies. No such ration may be used for nonessential or pleasure travel which shall include (but shall not be limited to) the purposes for which driving is prohibited by subparagraph (1) of this paragraph and pleasure cruising, guiding pleasure parties, conducting or chartering boats for fishing parties, and fishing other than commercial fishing or to procure necessary food: *Provided*, That if a boat is not otherwise operated, nothing in this paragraph shall restrict the use of such a ration to operate a boat in accordance with any requirements of the United States Coast Guard, the Coast Guard Auxiliary, or the United States Navy.

§ 1394.8163 *Restriction on use of rations or gasoline for racing or exhibition purposes.* No ration shall be issued or used, and no gasoline shall be used, or knowingly transferred for use, for the

operation of any boat or of any motor vehicle in exhibitions or races for public entertainment or prizes.

§ 1394.8164 *Restriction on use of rations or gasoline for sightseeing purposes.* No supplemental, official or fleet ration, or ration issued pursuant to the provisions of § 1394.7757 or § 1394.7758, shall be issued or used, and no gasoline procured in exchange for such a ration shall be used or knowingly transferred for use, for the operation of any motor vehicle, under charter or otherwise, for sightseeing purposes.

§ 1394.8165 *Display of stickers.* No person may use a Class A, B, C, or T coupon, or a ration check drawn upon ration credits which represent such classes of rations issued for use with a registered or commercial motor vehicle (other than a coupon or check representing a special ration), unless a sticker identifying the class of ration issued for use with such vehicle, in such form as may be prescribed by the Office of Price Administration, is permanently affixed to and conspicuously displayed on such vehicle. Such sticker shall be displayed on such vehicle at all times, but the display of such sticker shall be in accordance with the laws of the State in which such vehicle is operated. A person to whom any ration in addition to a Class A ration has been issued shall display only the sticker identifying such additional ration. No person shall retain or display such a sticker upon a motor vehicle unless a ration of the class corresponding to such sticker has been issued for use in such vehicle and is still unexpired and unrevoked.

§ 1394.8166 *Restrictions on blending of gasoline.* No person other than a licensed distributor or a consumer shall blend, dilute, or otherwise mix gasoline with any other liquid or combustible, and no person shall knowingly transfer or accept a transfer of gasoline blended, diluted, or mixed in violation of this section.

§ 1394.8167 *Restrictions on consumption of gasoline.* (a) Except as provided in § 1394.8157, no person shall consume gasoline unless such gasoline was acquired by him or on his behalf in exchange for valid coupons or other valid evidences authorizing a transfer to a consumer: *Provided*, That:

(1) Any consumer may use for non-highway purposes (other than non-occupational boat operations) gasoline owned by him and in his possession within the limitation area prior to August 22, 1942, or without the limitation area prior to December 1, 1942.

(2) Any consumer may use gasoline owned by him and in his possession within the limitation area prior to August 22, 1942, or without the limitation area prior to December 1, 1942, for the operation of a registered or commercial motor vehicle, or for non-occupational boat operation if, at the time of transfer of such gasoline into the fuel tank of such vehicle or boat, he destroys currently valid coupons issued therefor equal in value to the number of gallons of gasoline so transferred: *Provided*, That, gasoline placed in the fuel supply tank of such

vehicle or boat within the limitation area prior to August 22, 1942, or without the limitation area prior to December 1, 1942, may be used therein without restriction.

(b) The provisions of this section shall not be applicable to the consumption of gasoline by the Army, Navy, Marine Corps, Coast Guard, Maritime Commission, or the War Shipping Administration of the United States, or to the consumption by anyone of gasoline brought into the continental limits of the United States in the fuel supply tank of a vehicle, boat or equipment.

§ 1394.8168 *Transfers from fuel tank to fuel tank of vehicles and boats forbidden.* No gasoline contained in the fuel tank of any motor vehicle, inboard motorboat, outboard motor or non-highway equipment shall be transferred therefrom to the fuel tank of any registered or commercial motor vehicle, or of any inboard motorboat or outboard motor operated for nonoccupational purposes.

§ 1394.8169 *Discrimination by dealers and distributors.*

(a) [Revoked.]

(b) On and after December 1, 1942, no dealer or distributor shall discriminate, in the transfer of gasoline, among any consumers lawfully entitled to acquire gasoline under the provisions of this order.

(c) Nothing herein shall be construed to require a transfer of gasoline in violation of any authorization or direction issued for, or any condition imposed upon the withdrawal or delivery of gasoline by the Petroleum Administrator for War.

(d) Notwithstanding any other provision of this section, a district director may, upon authorization by the Deputy Administrator in Charge of Rationing, require stations or facilities of any dealers or distributors within his jurisdiction to make transfers of gasoline to consumers in such order of priority and under such limitations and conditions as the district director may find necessary to insure that adequate supplies of gasoline will be available for services and requirements essential to the public welfare or the war effort.

§ 1394.8170 *Mileage limitation.* No passenger automobile shall be operated in excess of mileage which can be obtained in the vehicle on the basis of the ration issued for use with such vehicle.

§ 1394.8171 *Limitation on speed.* (a) No person shall use or permit the use of gasoline in the operation of a motor vehicle at any rate of speed in excess of thirty-five (35) miles per hour.

(b) This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps, Coast Guard or by the State military forces organized pursuant to section 61 of the National Defense Act, as amended, or to meet an emergency involving serious threat to life, health or public safety, or to the operation of a motor vehicle under circumstances where a speed in excess of thirty-five miles per hour is permitted under any order of the Office of Defense Transportation.

§ 1394.8172. *Excess tires.* No person shall use or permit the use of gasoline

in a motor vehicle for which a basic, supplemental, fleet or official ration, or a ration pursuant to the provisions of § 1394.1309 of Ration Order No. 5A or § 1394.7757 or § 1394.7758 of Ration Order No. 5C, has been issued, nor may gasoline be used in any such motor vehicle, other than an official vehicle, if the registered owner or lessee (or, in the case of a ration issued pursuant to § 1394.1309 of Ration Order No. 5A or § 1394.7757 of Ration Order No. 5C, if the owner) of such vehicle owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA R-17 or R-17 Revised, or tires reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment. No person shall use or permit the use of gasoline in a motor vehicle for which a basic or supplemental ration has been issued, if any person living in the household of the registered owner of such vehicle and related to such owner by blood, marriage or adoption owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R-17 or R-17 Revised, or tires reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

§ 1394.8173 *Use in violation of other ration orders.* No person shall use gasoline for the operation of any motor vehicle in violation of Ration Order No. 2A or any other automobile rationing regulations or which results in the use of tires in violation of Ration Order No. 1A.

§ 1394.8174 *Tires unlawfully acquired.* No person shall use gasoline for the operation of any motor vehicle which results in use of any tire or tube acquired in violation of Ration Order No. 1A.

§ 1394.8175 *Abuse or neglect of tires.* No person shall use gasoline in a motor vehicle in such a manner as to result in abuse or neglect of any tire or tube. Driving of a motor vehicle beyond the point where tires are recappable may be found to be abuse within the meaning of this section.

§ 1394.8176 *Offers, solicitations, attempts, or agreements.* No person shall solicit, offer, attempt, or agree to do any act in violation of this order.

§ 1394.8177 *Rations not transferable.* (a) No person shall transfer or assign any ration, and no person shall accept such transfer or assignment.

(b) No person shall transfer or assign and no person shall accept a transfer or assignment of any gasoline deposit certificate, ration check, folder, or any coupon book, inventory or other coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) or other evidence, except in accordance with provisions of this order.

(c) No person shall have in his possession any gasoline deposit certificate, ration check, folder, or any coupon book, inventory or other coupon (whether or

not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) or other evidence, or any identifying folder, except the person, or the agent of the person, to whom such book, coupon, certificate, check or folder was issued or by whom it was acquired in accordance with the provisions of this order.

(d) Notwithstanding the remaining provisions of the section, but subject to the provisions of paragraph (c) of § 1394.8161 a ration, other than a special ration, may be used by anyone entitled to use the vehicle, boat or equipment for which it was issued, if such use is for a purpose for which such ration may be obtained, and so long as there is no change in ownership of such vehicle, boat or equipment.

(e) No person shall have in his possession any serially numbered ration coupon without an appropriate folder identifying such coupon except a dealer or distributor who has lawfully acquired such coupon in exchange for a transfer of gasoline.

(f) Any person to whom serially numbered ration coupons have been issued shall maintain such coupons with the appropriate folder identifying such coupons by number, and shall present such folder for inspection whenever he surrenders any such coupon in exchange for a transfer of gasoline.

(g) The provisions of paragraphs (a), (b), (c) and (e) of this section shall not be applicable to public officials acting in the performance of their official duties.

(h) Nothing in this section shall be construed to prohibit the surrender of coupons or other evidences, in exchange for a transfer of gasoline subsequent to the time at which they are required to be surrendered. However, such late surrender shall not relieve the transferor or the transferee of the consequences of the failure to receive or surrender coupons or other evidences at the time required.

§ 1394.8178 *Mutilation, destruction or counterfeiting of ration evidences or folders.* (a) No person other than a person authorized pursuant to this order shall deface, mutilate, alter, burn or otherwise destroy any folder or gasoline deposit certificate, or any coupon book, inventory or other coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as a part of a ration book) or other evidence.

(b) No person shall counterfeit or forge any folder or gasoline deposit certificate, or any coupon book, inventory or other coupon, or any other evidence.

(c) No person shall transfer, receive a transfer of, possess, or use any forged, altered, or counterfeited folder, coupon book, gasoline deposit certificate, inventory or other coupon, or any other evidence.

(d) Any defacement, mutilation or alteration of a folder, gasoline deposit certificate, coupon book, inventory or other coupon, or any other ration evidence in violation of any provision of this section shall render such folder, gasoline deposit certificate, coupon, evidence or coupon

book and the coupons therein, invalid. The detachment of any coupon from a ration book, except in accordance with the provisions of § 1394.8153, shall render such coupon invalid.

(e) The provisions of paragraphs (a), (c) and (d) of this section shall not be applicable to public officials acting in the performance of their official duties.

§ 1394.8180 *Applicability of order to rations issued under Ration Order 5C.* All rations issued pursuant to Ration Order 5C, which remain in effect beyond May 4, 1945, shall be subject to the same restrictions, prohibitions, and conditions of use as though they were issued pursuant to this order.

§ 1394.8181 *False statements.* No person shall, in any application, record, report, certificate or other document made pursuant to or required by the terms of this order, make any untrue statement of any fact, or omit to state any fact required to be stated therein or necessary to make the statements therein not misleading. No person in applying for a transport ration shall present to a Board a certificate of war necessity which has been issued to him or on his behalf pursuant to an application containing any untrue statement of fact or omitting any statement of fact required to be stated therein, or necessary to make a statement therein not misleading, nor shall any person receive or use a transport ration issued on the basis of any such certificate. Any Board discovering such an untrue statement of fact, or any such omission to state any such fact shall report it and transmit the evidence thereof, to the District Director for appropriate action, whether or not such Board has proceeded with respect thereto under the provisions of § 1394.8105.

§ 1394.8182 *Misuse of certificates of war necessity.* No person shall use or attempt to use a certificate of war necessity to obtain the issuance of rations which would provide gallonage for use with any vehicle or fleet in excess of the maximum gallonage allowed by the Office of Defense Transportation, as stated upon the currently valid single unit or fleet certificate issued for such vehicle or fleet.

§ 1394.8183 *Limitation on distance of drive-away delivery of vehicle.* (a) No person shall use gasoline to move any motor vehicle a distance of more than two hundred miles on its own wheels for any of the following purposes:

(1) Delivery after sale, lease or gift, or upon inheritance, to or for the person entitled to the possession of the vehicle, or to his premises or a place of storage;

(2) Movement to a place of storage or to the premises of the person entitled to the possession of the vehicle upon an acquisition of the right to possession of such vehicle by virtue of a lien or security contract.

(b) This section shall not prohibit:

(1) Any movement of a vehicle for the distance which can be traveled through the use of a transport ration or basic ration duly issued for use with such vehicle;

(2) Any movement of a commercial motor vehicle as to which a Board has

found that alternative means of transportation by rail or water carrier are unavailable or inadequate and for which purpose a ration has been issued.

(3) Any movement of a vehicle in the course of its manufacture or assembly, between plants engaged in its manufacture or assembly.

(4) Any movement of a new commercial motor vehicle (as defined in § 1394.7851 (b) (7)) from the place of its manufacture to a distributing outlet or between such outlets.

(5) Any movement of a passenger automobile the transfer of which is governed by the provisions of Ration Order No. 2B.

(6) Any movement of a station wagon which was manufactured subsequent to July 31, 1941, and which has never been transferred except for the purpose of resale.

(7) Any movement of a commercial motor vehicle in the course of its rebuilding, or moving such vehicle within or between plants engaged in its rebuilding.

(8) Any movement of a motor vehicle purchased or leased by the military or naval forces of the United States or State military forces organized pursuant to section 61 of the National Defense Act, as amended, from the place of such purchase or lease, to a place designated by such military or naval forces.

§ 1394.8184 *Acquisition of gasoline in excess of evidences on hand.* No person may acquire gasoline in exchange for coupons, a ration check or other evidences to be surrendered at a later date, unless such person has on hand, at the time of transfer, credits in a ration bank account, coupons or other evidences sufficient in gallonage value to equal the total quantities of gasoline so acquired or previously so acquired and for which coupons, ration checks or other evidences have not been surrendered.

§ 1394.8185 *Disposition of petroleum product acquired or delivered as gasoline.* (a) A petroleum product acquired as gasoline may thereafter be transferred, acquired, delivered or used only in accordance with the provisions of this order (and General Ration Order 8³⁰) covering the transfer, acquisition, delivery, or use of gasoline.

REPLENISHMENT AND AUDIT RATION BANKING

§ 1394.8206a *Who opens an account.* (a) Every licensed distributor, who handles gasoline in such a manner as to be required by § 1394.8218 (a) to remit a ration check with his State tax report, shall, on and after January 27, 1943, open at least one account, in the manner provided by Revised General Ration Order No. 3A.³¹ If a licensed distributor has more than one place of business he may open a separate account for each place of business or any group of places. In addition, a licensed distributor may open an account in connection with the operation of any accounting office maintained by him. An account for a facility of a li-

censed distributor may be opened and maintained either in the name of such licensed distributor or in the name of the consignee or other person who has charge of the operation and management of such place of business, provided the signature card of such account shows the name and address of the licensed distributor who furnishes gasoline to such place of business.

(b) Every intermediate distributor shall, on and after January 27, 1943, open a separate account for each place of business as to which he is registered as an intermediate distributor.

(c) Each Post Exchange and Ships' Service Store may open a gasoline ration bank account of the type described in Revised General Ration Order 3A.

(d) A place of business of a distributor shall be deemed to be an establishment for the purposes of Revised General Ration Order No. 3A.

(e) Every consumer who acquires 960 gallons of gasoline, or more, per month by bulk transfer and to whom a Board has issued one or more ration checks in the manner provided in § 1394.8006, and every consumer who acquires 960 gallons of gasoline or more per month and to whom a Board has issued one or more ration checks in the manner provided in § 1394.7755 (b) or § 1394.7805 (d), shall open at least one account, in the manner provided in Revised General Ration Order No. 3A. Any such bulk consumer may open a separate account for each of his establishments or for any group of his establishments to which bulk deliveries of gasoline are made. Any such consumer, who receives a ration check pursuant to § 1394.7755 (b) or § 1394.7805 (d), may open a separate account for each of his establishments or for any group of establishments from which payment for gasoline is made. However, no additional account may be opened for an establishment for which a distributor's account is maintained.

(f) No more than one gasoline account may be opened for any one place of business unless authorized by the Office of Price Administration, Washington, D. C. Accounts for activities not connected with any specific establishment may also be opened, if authorized by the Office of Price Administration, Washington, D. C.

(g) The Army, Navy, Marine Corps, Coast Guard, War Shipping Administration and Maritime Commission are authorized to open one or more gasoline ration bank accounts of the type described in General Ration Order 3B.

(h) The Washington Office, each District office and Ration Currency Mailing Center, and each Board which is not served by a Ration Currency Mailing Center shall, on or before September 20, 1944, open a gasoline ration bank account.

§ 1394.8206b *Deposits.* (a) Each distributor, Post Exchange and Ships' Service Store shall deposit in its account all gasoline coupons or other evidences (including checks) received by it, except as provided in paragraph (c) hereof: *Provided*, That such distributor, Post Exchange or Ships' Service Store shall not deposit:

³⁰ 8 F.R. 3783, 5677, 9626, 15455; 9 F.R. 402, 1325, 2746, 4196, 4878, 7419.

³¹ 8 F.R. 11669, 13738.

(1) Any Class S coupon;
 (2) Any Class A coupon before it has become valid or more than twenty (20) days after the date of expiration of such coupon, except that Class A book coupons numbered "3" may be deposited on or before March 20, 1943.

(3) Any bulk coupon printed on Forms OPA R-553 or Forms OPA R-554 (that is, a bulk coupon not bearing the printed word "gasoline" on its face) after February 5, 1943.

(4) Any coupon not bearing the notations required by paragraphs (d) and (e) of § 1394.8004, paragraph (c) of § 1394.8006 and paragraph (b) of § 1394.8206.

(6) Any emergency receipt (Form OPA R-555).

(7) After July 20, 1943, any Class T coupon printed on Form OPA R-532A or on Form OPA R-533A which he received as the result of a transfer of gasoline made by him or a dealer to a consumer outside of the restricted area. He shall not deposit after August 14, 1943, any such coupon which he acquired as the result of a transfer of gasoline made by him or a dealer to a consumer within the restricted area.

(8) After September 11, 1943, any exchange certificate.

(9) After September 11, 1943, any 100 gallon bulk coupon.

(10) After September 11, 1943, any Class B or C coupon issued on Form OPA R-527, Form OPA R-527A, Form OPA R-528 or Form OPA R-528A (coupons which do not bear the printed words "Mileage Ration").

(11) After January 20, 1944, any Class T-1 or T-2 book coupon issued on Form OPA R-532B or R-533B (coupons which bear the printed double letters "TT" on the face of each coupon).

(12) After January 20, 1944, any one gallon bulk coupon.

(13) Any coupon sheet (Form OPA R-120) which does not contain the information required by § 1394.8211.

(14) After April 20, 1944, any of the following coupons or evidences:

(i) Class E and R coupons, issued on Forms OPA R-530, R-530A, R-531 and R-531A.

(ii) Class T coupons issued on Form OPA R-532C.

(iii) Class B and B-1 coupons issued on Forms OPA R-527B and R-527C.

(iv) Class C and C-1 coupons issued on Forms OPA R-528B and R-528C.

(v) Acknowledgments of Delivery issued on Form OPA R-544, bearing the revision date, 9-30-42.

(15) After June 20, 1944, any Class B-2 or C-2 coupons issued on Forms OPA R-527D or R-528D.

(16) Any Class T coupon bearing the designation of a specified calendar quarter, before such calendar quarter or more than twenty days after such calendar quarter.

(17) After July 24, 1944, any inventory coupon.

(18) On and after September 21, 1944, any Acknowledgement of Delivery on Form OPA R-544 (Revised).

(19) After October 20, 1944, any Class B-3 or C-3 coupons issued on Forms OPA R-527E or R-528E.

(20) After November 20, 1944, any Class E or R coupons issued on Forms OPA R-530B or R-531B.

(21) After January 20, 1945, any Class B-4 or Class C-4 coupons issued on Forms OPA R-527F or R-528F.

(22) After January 31, 1945, any gasoline deposit certificate issued on Form OPA R-568.

(23) After April 20, 1945, any Class D coupon which is not serially numbered, or Class B-5, Class C-5, Class E-1, or Class R-1 coupon.

(24) Any coupons or other ration evidences held for safekeeping pursuant to § 1394.8217 (c).

(b) Every depositor shall, before depositing any coupon sheet not bearing his name and address on the face thereof, or any evidence not affixed to a coupon sheet, endorse his name and address on the reverse side thereof.

(c) A distributor shall deposit any ration check issued to him as a ration, and he may, at any time, deposit all or any part of the coupons or other evidences received by him from a Board as a ration whether or not he has used the gasoline for which the coupons or other evidences were issued. A distributor is not required, however, to deposit coupons or gasoline purchase permits issued to him as a ration at the time he receives them from a Board. A distributor who has received his ration in the form of coupons or gasoline purchase permits and who withdraws gasoline from his facilities as a distributor for his own use, shall deposit in his account a quantity of such coupons or gasoline purchase permits equal in gallonage value to the quantity of gasoline so withdrawn.

(d) A depositor shall not list for deposit on a single slip coupons of the same class which have different values. He shall list such coupons upon separate slips according to their value.

(e) Every bulk consumer who is not a distributor and to whom a Board has issued one or more ration checks in the manner provided in § 1394.8006 shall, immediately after receiving his ration from the Board, deposit all such ration checks in his account. Such a bulk consumer shall not deposit coupons issued to him by a Board as a ration.

(f) Every operator of a fleet of official or commercial motor vehicles who is not a distributor and to whom a Board has issued one or more ration checks in the manner provided in § 1394.7755 (b) or § 1394.7805 (d) shall, immediately after receiving his ration from the Board, deposit all such ration checks in his account. Such a fleet operator shall not deposit coupons issued to him by the Board as a ration.

(g) (1) The bank account opened by the National Office shall receive periodic credits through credit memoranda issued by the National Office as authorized by Revised General Ration Order 3A.

(2) At the time a gasoline ration bank account is opened by a Board or Ration Currency Mailing Center and on the first day of each month thereafter, the Board or such Mailing Center shall draw a ration credit draft on the gasoline ration bank account of the District Office in the amount of the credits which

it estimates will be needed for the monthly period. Such ration credit drafts and all ration checks received by the Board or such Mailing Center shall be endorsed by it and deposited in its ration bank account. When the credit in the ration bank account of a Board or such Mailing Center will not be sufficient to cover its needs for the monthly period, it may draw a supplemental ration credit draft for the additional amount needed and deposit it to its account.

(3) At the time a gasoline ration bank account is opened by a District Office and on the first day of each month thereafter, the District Office shall draw a ration credit draft on the gasoline ration bank account of the National Office in the amount of the credits which it estimates will be needed for the monthly period. Such ration credit drafts and all ration checks received by a District Office shall be endorsed by the District Office and deposited in its ration bank account. When the credit in the ration bank account of a District Office will not be sufficient to cover its needs for the monthly period, it may draw a supplemental ration credit draft for the additional amount needed and deposit it to its account.

(h) No depositor shall deposit a gasoline deposit certificate in his account after January 31, 1945.

§ 1394.8206c *Issuance of checks.* A depositor may issue a check only to the following persons or subject to the following circumstances:

(a) To a person who transfers gasoline to him, in exchange for the transfer of the gasoline; *Provided, however,* That a ration check may be issued in exchange for a transfer of gasoline made directly into the fuel tank of a motor vehicle only as provided in § 1394.8153a.

(b) To a person from whom he has received evidences, to make an adjustment between the amount of evidences received and the amount of gasoline transferred to such person in exchange for such evidences.

(c) To the Office of Price Administration or to any office or Board thereof.

(d) To his own account, for the purpose of transferring ration credits from one of his accounts as a licensed distributor to another of his accounts as a licensed distributor, or from one of his accounts as a bulk consumer to another of his accounts as a bulk consumer.

(e) To the Office of Defense Transportation.

(f) A Board or Ration Currency Mailing Center may issue checks in accordance with the terms of this order.

(g) The War Shipping Administration may authorize the operator of any ship of foreign registry to draw checks upon its account for the acquisition of gasoline for the operation of the ship. In such event the check must be drawn in the name of the War Shipping Administration and signed by the operator of the ship on behalf of the War Shipping Administration.

§ 1394.8206d *Termination of Temporary Ration Banking Plan.* (a) Sections 1394.8326 through 1394.8338, inclusive

(Temporary Ration Banking Plan), are revoked as of 12:01 a. m. February 9, 1943.

RESTRICTIONS ON TRANSFERS AMONG DEALERS AND DISTRIBUTORS

§ 1394.8207 *Restrictions on transfers to dealers and distributors.* (a) (1) Except as provided in subparagraph (4) of this paragraph, and § 1394.8209, no dealer or distributor shall transfer or offer to transfer gasoline to a dealer, and no dealer shall receive a transfer of gasoline, except in exchange for a quantity of coupons or other evidences at the time of the actual delivery of the gasoline, equal in gallonage value to the quantity of the gasoline transferred, or, in cases in which gasoline is regularly transferred to him on a temperature adjustment basis, equal in gallonage value to the adjusted quantity of gasoline transferred. However, such transfers may only be made in accordance with the following provisions:

(i) When coupons are surrendered they must bear the notations required by § 1394.8004 (e), and which have been affixed to coupon sheets containing the name, address, date of surrender and unit value of the coupons as prescribed in § 1394.8211.

(ii) When a ration check is surrendered, it must bear, as an endorsement, the name of the dealer.

(2) Except as provided in subparagraph (4) of this paragraph and in § 1394.8209, no dealer or distributor shall transfer or offer to transfer gasoline to a distributor, and no distributor shall receive a transfer of gasoline, except in exchange for his check, at the time of the actual delivery of the gasoline or in advance thereof, payable to the transferor of the gasoline in an amount equal to the gallonage value of the quantity of gasoline transferred, or, in cases in which gasoline is regularly transferred to him on a temperature adjustment basis, equal to the gallonage value of the adjusted quantity of gasoline transferred: *Provided, however,* That such a transfer made on or before February 8, 1943, shall be accompanied by an exchange of coupons or other evidences (other than checks) if the distributor has not opened an account at the time of the transfer: *Provided, further,* That a check or coupons or other evidences need not be exchanged for a transfer of gasoline between licensed distributors unless in the course of transit between such licensed distributors the gasoline is delivered to a dealer or intermediate distributor for redelivery to the transferee.

(3) When any dealer or distributor transfers, to any other dealer or distributor, gasoline for which a surrender of coupons or other evidences is required, the duty of such transferee to surrender, and of such transferor to obtain coupons or other evidences shall continue until coupons or other evidences, which are valid for use in exchange for such a transfer of gasoline and which have a gallonage value equal to the quantity of gasoline transferred, have been surrendered.

No dealer or distributor who has acquired gasoline in exchange for ration coupons or other evidences which have

been finally determined by the District Director or his designee to be invalid pursuant to § 1394.8229 (b) or (c), shall obtain any other transfer of gasoline until he has surrendered to his transferor or a representative of the District Office valid evidence in place of the invalid evidences.

(4) The gasoline on hand at a place of business of a dealer or distributor at the time of a bona fide transfer of such place of business to a dealer or distributor may be transferred to and acquired by the transferee of the place of business, without an exchange of a ration check, coupons or other evidences.

(b) No person shall transfer gasoline to any dealer or distributor who he knows or has reason to know has acquired gasoline in exchange for evidences which the District Director or his designee has finally determined to be invalid pursuant to § 1394.8229 (b) or (c) until such dealer or distributor has surrendered to his transferor or a representative of the District Office valid ration evidences in place of the invalid evidences.

(c) (1) No dealer or intermediate distributor shall accept a transfer of gasoline which will cause him to have an aggregate amount of gasoline and evidences in excess of his registered storage capacity, unless he can account for the excess as provided in § 1394.8217 (a). No licensed distributor shall accept, for any place of business or facility, a transfer of gasoline which will cause it to have an amount of gasoline in excess of its registered storage capacity.

(2) No person shall transfer to a dealer or distributor a quantity of gasoline which he knows or has reason to know will give the dealer or distributor an aggregate amount of gasoline and evidences in excess of the amount allowed by subparagraph (1).

(3) The provisions of this paragraph (c) apply to the facility or place of business of a licensed distributor only if its registered storage capacity has been fixed pursuant to the provisions of § 1394.8225 (e). Registered storage capacity, as used in this paragraph (c), means the "Total physical storage capacity" shown on the certificate of registration of the facility or place of business, less all decreases in registered storage capacity specified in notices of decrease which have become effective pursuant to § 1394.8225 (c) and (e) plus any increases in storage capacity shown in notices made pursuant to § 1394.8225 (d) and (e).

(d) No dealer or distributor shall transfer or offer to transfer gasoline to any dealer and no dealer shall accept a transfer of gasoline from any dealer or distributor in exchange for any coupon or evidence described in § 1394.8206b (a) (1), (3), (4), (6), (7), (8), (9), (10), (11), (12), (14), (15), (17), (18), (19), (20), (21) or (22).

(e) All provisions of this order which are applicable to transfers of gasoline by a dealer or distributor to a dealer shall be applicable to transfers between a Military or Naval Post or Station and such activities as Post Exchanges and Ships' Service Stores.

(f) On and after April 11, 1945, no distributor shall transfer or offer to transfer gasoline to any dealer and no dealer shall accept a transfer of gasoline in exchange for any Class D coupon which is not serially numbered, or any Class B-5, Class C-5, Class E-1 or Class R-1 coupon.

§ 1394.8208 *Same: Other applicable provisions.* Nothing in this order shall be construed to authorize any transfer of gasoline which would be in contravention of any regulation or order of any department or agency of the United States.

§ 1394.8209 *Absentee deliveries; third party deliveries.* (a) Where a distributor elects to make delivery of gasoline during hours when the transferee is not open for business, the transferee shall, where the exact amount of delivery is known in advance, mail or deliver coupons or other evidences (or, if he is a depositor, issue his check) to the distributor in advance, or, at the discretion of the distributor, within twenty-four (24) hours of delivery, equal in gallonage value to the amount, or adjusted amount, of the delivery.

(b) Where delivery of gasoline to a dealer or intermediate distributor is made by common or contract carrier or by pipe line, or where the billing for gasoline transferred is not received by the transferee at the same time as or prior to receipt of the transfer by him, or where the dealer has transmitted coupons or other ration evidences to a control office pursuant to § 1394.8217 (c), the transferee shall, where the exact amount of the delivery is known in advance, mail or deliver in advance to his distributor coupons or other evidences (or, if he is a depositor, issue his check) equal in gallonage value to the amount, or adjusted amount, of the delivery, or may, at the discretion of the transferor forward such coupons or other evidences or issue such check to the transferor within five (5) days after receipt of such delivery.

(c) Where any delivery of gasoline is made to a dealer or distributor from any terminal or storage facility which has been listed upon a schedule issued in accordance with § 1510.34 of Petroleum Directive 59, the transferee may forward to the transferor within fifteen (15) days after receipt of such delivery an amount of coupons or other evidences, or a ration check, equal in gallonage value to the number, or adjusted number, of gallons so delivered.

§ 1394.8210 *Upstream transfers.* (a) Any distributor who receives a transfer or return of gasoline from a dealer or intermediate distributor, other than in connection with a transfer to him of the place of business of such dealer or intermediate distributor, shall issue to such dealer or intermediate distributor his check equal in gallonage value to the amount of gasoline so transferred or returned.

(b) Except as provided in paragraph (c) of this section, any dealer or distributor who receives a transfer or return of gasoline from a consumer, other than in connection with a transfer to him of the place of business of such consumer, shall deliver to the Board having

jurisdiction over the area in which the place of business of such dealer or distributor is located a quantity of coupons or other evidences (or, in the case of a transfer or return to a distributor, shall issue his check payable to the Office of Price Administration) equal in gallonage value to the quantity of gasoline so transferred or returned, together with a signed statement in duplicate setting forth the name and address of the consumer from whom the gasoline was acquired, and the quantity of gasoline so acquired. The Board shall retain the original of such statement in its files, and shall forward the duplicate thereof, through the District Director, to the Board having jurisdiction over the area in which such consumer is located, as shown on such statement. Any consumer who transfers or returns gasoline to a dealer or distributor may, if the gasoline so transferred or returned represents all or part of a ration issued to such consumer, apply, on the appropriate form, to the Board for reissuance of such ration or part thereof. Such application shall contain a statement of the nature and quantity of the ration originally issued, the name and address of the dealer or distributor to whom gasoline was transferred or returned, the quantity of gasoline so transferred or returned, and a certification as to the truth of such statements. If the Board finds that the consumer transferred or returned to a dealer or distributor gasoline originally issued to the consumer as a ration, that such ration has not yet expired, and that the consumer still requires such ration, it shall issue to the consumer coupon books or coupons with a folder of the same type as the ration originally issued equal in gallonage value to the quantity of gasoline so transferred or returned. The Board, at the time of issuance of such coupon books or coupons shall, in addition to such other notations as may be required, note on the face of the coupon books issued or the cover of the folder accompanying the coupons, and on the application, the expiration date or earliest renewal date of the ration, which shall be the same expiration date or earliest renewal date as that applicable to the ration originally issued.

(c) Revoked.

§ 1394.8211 *Preservation of coupons: coupon sheets.* (a) Each dealer and distributor shall affix all coupons received by him in exchange for transfers or returns of gasoline to coupon sheets (Form OPA R-120). Only coupons which are of the same class or type and which were received at the same unit value shall be affixed to a single sheet. Prior to deposit in a bank or any transfer of such coupons, the dealer or distributor who first accepted such coupons from a consumer shall write, stamp or print upon the coupon sheet the business or firm name and the business address, as registered at the Board, of the place of business at which the coupons were first accepted, the unit value of the coupons, the number of coupons attached, the total value of the coupons attached, the date on which such coupon sheet is surrendered by him to a dealer or distrib-

utor for replenishment or, when it has never been so surrendered, the date on which such coupon sheet is deposited for credit in a ration bank account. Each dealer or distributor in a State which lies partly within and partly outside the gasoline shortage area shall also write, stamp or print on such coupon sheet the name of the county where his place of business is located.

(b) No person shall alter the name on any coupon sheet (Form OPA R-120), to which any ration evidence has been attached or mutilate any such sheet; and no person shall detach or remove any coupons from a coupon sheet, or attach to a coupon sheet any coupons which have been removed or detached from another coupon sheet. A person who inadvertently attaches coupons to a sheet to which they should not be attached, or who inadvertently mutilates or spoils a coupon sheet to which any coupons have been attached, shall take the coupon sheet to a Board. The Board shall issue to him a ration check, equal in gallonage value to the gallonage value of any coupons on the sheet submitted which were not acquired in violation of any provision of this order.

§ 1394.8212 *Summaries and endorsement of acknowledgments, military receipts and gasoline purchase permits.*

(a) Each dealer, and distributor shall attach the Acknowledgments of Delivery, Military Receipts for the delivery of gasoline and gasoline purchase permits delivered to him by authorized purchasers to a summary of coupons or other evidences (Form OPA R-541) on which he shall separately summarize the number of such acknowledgments and the number of gallons sold and the number of such receipts and the number of gallons sold, and the number of such permits and the number of gallons sold.

(b) Each dealer and distributor who accepts a gasoline purchase permit (Form OPA R-571), Acknowledgment of Delivery (Form OPA R-594) or Military Receipt (Form R-593) from a consumer in exchange for a transfer of gasoline shall write his name and the address of his place of business where the transfer was made on the back of such permit, acknowledgment or receipt before delivering it to a distributor or depositing it in his ration bank account.

§ 1394.8213 *Summary of coupons.*

(a) Each dealer shall, prior to every delivery by him of coupons or other evidences to a transferor of gasoline, prepare in duplicate, on Form OPA R-541, a summary of coupons and other evidences in the manner directed thereon, certifying the number of each type of coupons or other evidences to be delivered. The original of this summary shall be delivered to the transferor attached to the coupons and other evidences and the transferor shall obtain the delivery of the summary which shall be retained at his place of business for a period of not less than one year. The copy shall be retained by the dealer at his place of business for a period of not less than one year.

(b) Where a transfer of gasoline is based on surrender of evidences made in advance of or simultaneously with the

transfer, the transferor shall not make the transfer unless the evidences are accompanied by the original summary required by paragraph (a) of this section.

(c) Where a transfer of gasoline is based upon a delayed surrender of coupons and evidences pursuant to § 1394.8209 and the transferee has failed to deliver the original summary attached to the coupons and evidences, the transferor shall make a diligent effort to obtain the summary and shall report the failure to receive the summary to the District Office.

§ 1394.8215 *Transfer and surrender of expired coupons.*

(a) No dealer shall accept from a consumer in exchange for a transfer of gasoline any Class A coupon the period of validity of which, as shown on the face thereof, has expired; and no such coupon shall be an evidence of any gallonage value, except on coupon sheets to which it has been attached prior to the expiration of its period of validity.

(b) Every dealer or distributor who has in his possession or control any Class A ration coupons the valid period of which has elapsed, shall dispose of such coupons in preference to others in his possession or control, when exchanging coupons for transfers of gasoline or when otherwise disposing of coupons pursuant to the terms of this order.

(c) Within ten days after the end of the valid period of Class A ration coupons, each dealer who has in his possession or control any Class A ration coupons which he received in exchange for a transfer of gasoline before the end of their valid period shall either surrender them to a distributor in exchange for a transfer of gasoline, or shall surrender them, summarized on Form OPA R-541, to the Board having jurisdiction over the area where his place of business is located. The Board shall issue to the dealer in exchange for such coupons a ration check equal in gallonage value to the coupons so surrendered. After ten days have elapsed after the end of the valid period no gasoline may be transferred to or accepted by a dealer in exchange for such coupons and no Board shall issue any ration check or other evidences to a dealer in exchange for such coupons. Within twenty days after the end of the valid period of Class A coupons, each distributor who has in his possession or control any Class A ration coupons which he received in exchange for a transfer of gasoline to a consumer before the end of their valid period or any Class A ration coupons which he received in exchange for a transfer of gasoline to a dealer before ten days have elapsed after the end of their valid period, shall deposit them in a ration bank account maintained by him. No Class A coupon shall be valid for any purpose after twenty days have elapsed after its expiration date.

(d) Class S ration coupons are void and may not be used for any purpose.

(e) Immediately after the end of each calendar quarter, each dealer who has in his possession or control Class T coupons bearing the designation of such calendar quarter which he received in exchange for valid transfers of gasoline

during such calendar quarter shall attach such coupons to separate gummed sheets (OPA R-120) to which no other coupons are attached, and shall summarize such coupons on a summary form (OPA R-541) on which no other coupons are listed. Within ten days after the end of such calendar quarter the dealer shall surrender such coupons and summaries either to a distributor in exchange for a transfer of gasoline or to the Board with which his place of business is registered, in exchange for a ration check equal in gallonage value to the coupons so surrendered. Within twenty days after the end of each calendar quarter, each distributor who has in his possession or control any Class T coupons bearing the designation of such calendar quarter which he received in exchange for valid transfers of gasoline shall deposit such coupons in a ration bank account maintained by him.

(f) (1) Immediately upon the close of business on March 31, 1945, each dealer who has in his possession or control Class D coupons without serial numbers or Class B-5, Class C-5, Class E-1 or Class R-1 coupons which he acquired before April 1, 1945, in exchange for lawful transfers of gasoline, shall attach each type of such coupons to separate gummed sheets (Form OPA R-120) to which no other coupons are attached. Each dealer shall summarize such coupons on a summary form (Form OPA R-541) on which no other coupons are listed. On or before April 10, 1945, each dealer shall surrender such coupons and summaries either to a distributor in exchange for a transfer of gasoline, or to the Board having jurisdiction over the area in which his place of business is located in exchange for one or more ration checks equal in gallonage value to the coupons so surrendered.

(2) After April 10, 1945, no distributor shall accept from any dealer or distributor any Class D coupons without serial numbers or Class B-5, Class C-5, Class E-1 or Class R-1 coupons, nor shall any distributor make any transfers of gasoline in exchange for such coupons. On or before April 20, 1945, each distributor shall deposit in appropriate bank accounts maintained by him any such coupons received by him in exchange for any lawful transfers of gasoline made on or before April 10, 1945.

§ 1394.8216 *Certification of shortage, and replacement of invalidated coupons and evidences—(a) Replenishment of shortages—(1) General.* Dealers and intermediate distributors may apply for replenishment for losses or shortages of gasoline through evaporation, handling, accident, or other extraordinary circumstances, and for unavoidable loss or shortage of coupons or other evidences. An application must be made within four months after the loss occurs.

(2) *How application is made.* Application shall be made by certification of shortage on Form OPA R-549 Revised to the Board having jurisdiction over the area where the place of business incurring the shortage or loss is located. The application shall be prepared in duplicate, or in triplicate if two copies are required by the Board, shall show the na-

ture and quantity of the loss or shortage with a full explanation of the reasons therefor and must contain the information required by the form.

(3) *Action by the Board and District Office on the application.* If the Board finds that the applicant has incurred the shortages claimed, that such shortages were not incurred as a result of any acts performed in violation of this order, and that the claimed shortages or any part are reasonable, the Board shall file the certification and issue to the applicant ration checks equal to the amount of the shortages allowed. This, however, is subject to the following two exceptions:

(i) A shortage attributed to a loss, theft or destruction of evidence or a theft of gasoline must not be allowed unless the application has first been approved by the District Director or a person designated by him for that purpose or unless the District Director instructs the Board that it may act without such prior approval. The shortage shall in no event be allowed if it occurred because of the applicant's failure to use reasonable care in safeguarding the gasoline or evidences.

(ii) The District Director may, in his discretion, require the Board to refer any application or applications of any type to him or to some person designated by him for that purpose. An application referred in this manner shall be considered and acted upon by the District Director or the person designated by him for that purpose in the same manner in which the Board considers and acts upon applications which are not referred in this manner.

No replenishment of loss or shortage allowed under this paragraph shall operate as a waiver of any violation of this order.

(b) *Replacement of invalidated coupons and evidences—(1) General.* In the event that any dealer or intermediate distributor has in his possession or control (i) any coupon or other evidence which he acquired after September 22, 1942, in exchange for a lawful transfer of gasoline, and which coupon or evidence can no longer be lawfully transferred by him or deposited in a ration bank account at the same unit value which such coupon or other evidence had at the time and place of surrender by a consumer in exchange for a transfer of gasoline, or (ii) inventory coupons lawfully acquired by him before July 15, 1944, or (iii) gasoline deposit certificates lawfully acquired by a dealer or intermediate distributor, the dealer or intermediate distributor shall surrender such coupon or other evidence to the Board having jurisdiction over the area where his place of business is located.

An application must be made within four months from the date on which the coupon became invalid in exchange for a transfer of gasoline to the applicant at the same unit value which it had when acquired by the applicant.

(2) *Application for replacement and action by Board.* Every dealer and intermediate distributor shall prepare in triplicate on Form OPA R-541, a list of the coupons and other evidences so surrendered, the unit value of any inventory coupons surrendered, the gallonage

value of any gasoline deposit certificate surrendered and in the case of other coupons or evidences the unit value which each coupon or other evidence had at the time and place it was surrendered by a consumer in exchange for a transfer of gasoline. Such applicant shall also prepare a written statement in triplicate setting forth: (i) The reasons he was unable to dispose of the coupons or other evidences within the time prescribed by this order; (ii) the storage capacity, quantity of gasoline on hand, and the total gallonage value of the ration credits, coupons and other evidences on hand for such place of business. He shall sign the summary of coupons and evidences (Form OPA R-541) and the statement and shall file the original and one copy thereof with the Board having jurisdiction over the area where his place of business is located. The Board shall forward one copy of the summary and statement, containing a notation of the action of the Board thereon, to the Chief Enforcement Attorney in the Office of the District Director having jurisdiction over the area where the Board is located. If the Board finds that the inventory coupons or gasoline deposit certificates, if any, were lawfully acquired by the dealer or intermediate distributor at the unit or gallonage value listed and that, with respect to other coupons or evidences, such coupons or evidences were acquired by the dealer or intermediate distributor at the unit value listed in exchange for a lawful transfer of gasoline, and that there was good reason for the dealer's or intermediate distributor's failure to dispose of the coupons or other evidences within the time prescribed, the Board shall issue a ration check equal in gallonage value to the listed value of the coupons or gasoline deposit certificates surrendered, except that the Board shall not issue a ration check in an amount which would cause the aggregate gallonage value of all ration credits, coupons or other evidences in the possession or control of the dealer or intermediate distributor to exceed the unfilled portion of the registered storage capacity of such dealer or intermediate distributor. In the event the Board disallows the application it shall retain all coupons and other evidences which are invalid and return to the applicant those evidences which are still valid and which then have a value less than the value at which they were received by the applicant.

(c) *Waiver of time limitations on application.* The District Director or his designee may waive the time limitations set forth in paragraphs (a) and (b) of this section if the application is made on or before March 1, 1945, and he is satisfied that the applicant failed to file the application within the specified time because the applicant did not have knowledge of such time limitations.

(d) *Appeals.* Any applicant may appeal from an adverse decision of a Board or District Director made under this section. Such an appeal shall be governed by Procedural Regulation No. 9, subject to the following exceptions:

(1) The statement of appeal may be filed with the Board.

(2) No appeal may be taken from the decision of a Regional Administrator unless he acts in the place of a District Director.

RECORDS AND AUDITS

§ 1394.8217 *Records to be kept by dealers and intermediate distributors.*

(a) Every dealer and intermediate distributor shall be accountable for all gasoline, ration credits, coupons and other evidences received by him. Coupons and other evidences received at or for a place of business shall be, at all times when the dealer or distributor is open to transact business, retained by him at the place of business for which they were received, deposited in a ration bank account maintained for that place of business, or transmitted to or held in a central office of a dealer pursuant to paragraph (c), below, until such time as they are surrendered to a dealer or distributor in exchange for gasoline, or otherwise surrendered pursuant to Ration Order No. 5C or this order. With respect to each place of business of a dealer or intermediate distributor the total gallonage value of the gasoline on hand and of the coupons and other evidences on deposit or on hand (including coupons or other evidences transmitted to or held for that place of business in a central office pursuant to paragraph (c), below) shall, at all times, be equal to, but not in excess of, the registered storage capacity of such place of business, as determined pursuant to § 1394.8225, except for:

(1) Any shortage of gasoline which the dealer or distributor has incurred within the preceding four months for which he may be able to account by reason of evaporation, handling, contraction, accident, theft, absentee deliveries made pursuant to § 1394.8209, deliveries made under the conditions enumerated in § 1394.8153 (c) (1) (i), (ii) or (iii), bulk transfers to the Army, Navy, Marine Corps, Coast Guard, Maritime Commission or War Shipping Administration for which evidences have not been received, transfers made upon a delayed settlement basis in the manner provided in § 1394.8153a for which ration check is not yet due or, if ration check is past due, have been reported in the manner provided in § 1394.8153a (f), incurred as a result of transfers in accordance with § 1394.8367 for which he has not obtained evidences as provided in that section, or other extraordinary circumstances;

(2) Any excess of gasoline which the dealer or distributor has accumulated within the preceding four months for which he may be able to account by reason of expansion, deliveries made to him pursuant to § 1394.8209, or other extraordinary circumstances;

(3) Any shortage of ration credit, coupons or other evidences which the dealer or distributor has incurred within the preceding four months, for which he may be able to account by reason of theft or unavoidable loss, or by a surrender of coupons or a ration check or other evidences pursuant to § 1394.8209 in advance of a transfer of gasoline, or by a failure to receive inventory evidences having a gallonage value equal to the number of gallons of gasoline which

would be required to fill the storage capacity of such place of business at the time of registration, or other extraordinary circumstances;

(4) Any excess of ration credits, coupons or other evidences which the dealer or distributor has accumulated within the preceding four months for which he may be able to account by reason of delivery to consumers of less gasoline than the unit value of a coupon, in accordance with § 1394.8153 (a), by absentee deliveries made to him, or by coupons, ration checks or other evidences surrendered to him in advance of transfers of gasoline, pursuant to § 1394.8209, or by other extraordinary circumstances.

Every dealer and intermediate distributor who acquires an excess of gasoline or evidences shall, by July 12, 1944 or within three months after getting the excess, report this fact to the Board with which his place of business is registered or to a representative of the District, Regional, or National Offices of the Office of Price Administration and surrender to the Board or representative evidences equal to the excess.

(b) At the time of making any delivery of gasoline to any dealer or intermediate distributor, every distributor shall furnish to such dealer or intermediate distributor an invoice, delivery ticket, or other customary evidence of transfer, showing the name and address of the transferee and the date and quantity of the transfer; and every such transferee shall retain at his place of business for a period of at least one year from the date of his receipt of such gasoline the invoice, delivery ticket, or other evidence so furnished him.

(c) A person who is currently registered as a dealer at two or more places of business may make written application to the District Director having jurisdiction over the area in which each of such places of business is located stating the reasons why he believes that the evidences received at such places of business can be better protected at a central office maintained by him in connection with the operation of such places of business. If the District Director is satisfied that such ration evidences can be better protected at such central office, and finds that keeping the evidences at the central office will not unduly interfere in making audits of such places of business by the Office of Price Administration, he may authorize such person in writing to transmit to such central office for safekeeping gasoline coupons and other ration evidences received at or for such places of business. The District Director may summarily revoke this authorization if he finds that the manner of keeping the evidences or records at such central office has not resulted in a better protection of the evidences or may interfere unduly with the auditing of such places of business by the Office of Price Administration. When such authorization is granted, gasoline coupons and other ration evidences so transmitted shall be accepted, held and disposed of by such person only in accordance with the following provisions:

(1) He shall affix all coupons received by him in exchange for transfers or returns of gasoline to coupon sheets (Form

OPA R-120) in accordance with the provisions of § 1394.8211. If the coupons have not been affixed to coupon sheets when transmitted to the central office, they shall immediately upon receipt in such central office be attached to coupon sheets bearing the name of the dealer and the address of the place of business from which they were received.

(2) He shall keep all such coupons and other ration evidences received from each separate place of business in a separate envelope, folder or other container bearing the name and address of that place of business; and shall not commingle them with ration evidences received from another place of business. These coupons or other ration evidences may be removed from such envelope, folder or other container only for the purpose of surrendering them to a dealer or distributor in exchange for a transfer of gasoline to the particular place of business for the account of which these gasoline coupons or other ration evidences are kept or for the purpose of otherwise surrendering them pursuant to this order.

(3) He shall keep a daily record at each place of business which shall state the total number of gallons of gasoline received during the day, the gallonage value of the gasoline coupons and other ration evidences transmitted to the central office and the net balance of the gallonage value of coupons or other ration evidences shown to be held currently by the central office for the account of such place of business. This record shall be retained at the place of business for a period of not less than one year.

(4) He shall keep a separate record for each place of business at the central office which shall at all times state the total number of gallons of gasoline delivered to the place of business and the date of each delivery, the total gallonage value of gasoline coupons and other ration evidences received from the place of business and the date of receipt of such coupons or other evidences, the total gallonage value of gasoline coupons and other ration evidences currently held by the central office for the account of the place of business, the total gallonage value of coupons or other evidences currently owed to a supplier for deliveries to the place of business and the net balance in gallonage value of gasoline coupons and other ration evidences remaining to the credit of the place of business. This record shall be retained at the central office for a period of not less than one year.

§ 1394.8218 *Reports by licensed distributors and intermediate distributors.*

(a) Every licensed distributor shall prepare an additional copy of each of his monthly State motor fuel tax reports (and supporting schedules), which he shall submit to the State motor fuel tax administration at the time and in the manner required by such administration for the usual monthly report. He shall at the same time issue his check, payable to the Office of Price Administration and certified or confirmed by the bank carrying the account on which the check is drawn, in an amount equal to the total gallonage value of coupons or other evi-

dences for which he is required to account for the period for which such return is made and he shall attach this check to the copy of the report submitted. Gasoline which has been shipped and billed in exact amount to a transferee during a calendar month, and which is included by the licensed distributor in the State motor fuel tax report for such month, shall be treated both by the transferor and transferee as gasoline transferred during such month, even though actual receipt of such gasoline by the transferee may take place during the following calendar month.

(b) The licensed distributor shall also prepare in triplicate a reconciliation statement (Form OPA R-550), reconciling the difference between the gallonage value of the check so submitted and the total gallonage disposed of by him as reported by the tax return. He shall attach the original and one copy of the reconciliation form to the additional copy of his tax report, and shall retain the other copy of the reconciliation form at his place of business for a period of not less than one year: *Provided, however*, That, where special hardship results from the necessity of submitting the reconciliation form at the time that the State motor fuel tax report is due, application may be made, showing all relevant facts, to the Office of Price Administration, Washington, D. C., for leave to defer, for a period of not more than ten (10) days, the submission of the additional copy of his motor fuel tax report, the attached check and the reconciliation form.

(c) Any licensed distributor who is not required by the State to which he is required to account for State motor fuel taxes to include his monthly opening and closing gasoline inventories in his motor fuel tax return shall take a physical inventory of his gasoline on hand at the beginning or ending of each month, and shall include in such inventory all gasoline in transit and billed to him. Such distributor, in addition to other information which may be required, shall include such monthly opening and closing gasoline inventories on the reconciliation form prepared by him.

(d) Every licensed distributor shall be accountable for all gasoline coupons and other evidences received by him. Coupons and other evidences received by or for a facility of a licensed distributor shall be deemed to have been received on behalf of the licensed distributor who operates or furnishes gasoline upon consignment to such place of business and, when on hand at the place of business at which they were received or on deposit in a ration bank account maintained either in the name of the licensed distributor who furnishes gasoline upon consignment to that place of business or in the name of the consignee or other person who operates that place of business, they shall be deemed to be in the possession of and subject to control by such licensed distributor. He shall at all times have in his possession or control, or on deposit in a ration bank account maintained by him, ration credits, coupons and other evidences having an aggregate gallonage value which, when

added to the gallonage represented by exchange certificates and ration checks which have been transmitted to the State motor fuel tax administration, shall be equal to, but not in excess of, the number of gallons of gasoline which he has transferred on or after December 1, 1942 (or, on or after July 22, 1942, in the limitation area) and for which the receipt by him of coupons or other evidences was required, except for:

(1) Any shortage of ration credits, coupons or other evidences for which the distributor may be able to account by reason of:

(i) Theft;
(ii) Unavoidable loss;
(iii) Absentee transfers of gasoline pursuant to § 1394.8209;

(iv) Transfers made under the conditions enumerated in § 1394.8153 (c) (1) (i), (ii) and (iii);

(v) Coupons or other evidences which have been surrendered by him for transfers of gasoline made to him by consumers, dealers or intermediate distributors;

(vi) Transfers made upon a delayed settlement basis in the manner provided in § 1394.8153a for which ration check is not yet due or, if ration check is past due, have been reported in the manner provided in § 1394.8153a (f); or

(vii) Bulk transfers to Army, Navy, Marine Corps, Coast Guard, Maritime Commission and War Shipping Administration for which evidences have not been received.

(viii) Other extraordinary circumstances.

(2) Any excess of ration credits, coupons or other evidences which may be accounted for by delivery to consumers of less gasoline than the unit value of a coupon in accordance with § 1394.8153 (a) (1); coupons or other evidences surrendered to him in advance of a transfer of gasoline to be made by him, ration credits, coupons or other evidences held by him for surrender to a person who has transferred gasoline to him pursuant to § 1394.8209, or other extraordinary circumstances.

(e) In the event that any licensed distributor has in his possession or control at any of his facilities any coupons or other evidences which he acquired after September 22, 1942, in exchange for a lawful transfer of gasoline, but which can no longer be deposited by him in a ration bank account at the same unit value as such coupons or other evidences had at the time the gasoline was transferred, the licensed distributor shall surrender such coupons and other evidences to the Board with which the facility of such licensed distributor is registered. All coupons and other evidences so surrendered shall be listed by the licensed distributor on triplicate copies of Form OPA R-541, at the unit value which the coupons and other evidences had at the time of transfer of the gasoline in exchange for which the coupons or other evidences were received. The Board shall retain one copy of the Form OPA R-541, and shall endorse a receipt and the Board's address upon the original and one copy and return them to the licensed distributor. At the time of his submission of his next monthly

state motor fuel tax report, the licensed distributor shall also submit, attached to his reconciliation statement (Form OPA R-550) the original summary on Form OPA R-541, bearing the receipt of the Board, and, on an attached statement, shall explain in detail the circumstances surrounding his failure to deposit the coupons or other evidences within the time allowed. He shall report on line 18 of his reconciliation statement (Form OPA R-550) the total listed value of the coupons or other evidences which have been so surrendered by him to the Board and which have not been reported on a reconciliation statement previously submitted. If the Office of Price Administration, Washington, D. C., finds that the coupons were acquired by the distributor at the unit value listed, in exchange for a lawful transfer of gasoline, and that there was good reason for the distributor's failure to deposit the coupons or other evidences within the time allowed, it will credit the licensed distributor with the value of the coupons or other evidences surrendered to the Board, and instruct the Board to destroy the coupons or other evidences so surrendered.

§ 1394.8219 *Audit by State motor fuel tax administration.* On completion of its usual office audit of a licensed distributor's monthly motor fuel tax report, each State motor fuel tax administration will by authorized signature either verify or note errors on the additional copy of the tax report received by it, will inspect the reconciliation form and attached checks in order to determine whether there are any apparent irregularities, and will retain the copy of the reconciliation form for its own files. It will, within the shortest possible time, forward the additional copy of the tax return, the attached checks and the original of the reconciliation form and supporting statements, to the Control and Audit Unit, Gasoline Rationing Branch, Office of Price Administration, Washington, D. C. In the event of discovery of any error, discrepancy, misrepresentation or other irregularity in the monthly report by later inspection or audits, the motor fuel tax administration will notify the Control and Audit Unit of all the facts relating to any such irregularity.

NEW REGISTRATION, REREGISTRATIONS AND CESSATION OF BUSINESS

§ 1394.8220 *Current registration is required.* (a) No dealer or distributor shall acquire or transfer gasoline at or from any place of business unless the place of business is currently registered by him pursuant to the provisions of Ration Order 5A, Ration Order 5C, or this order, with the Board having jurisdiction over the area in which it is located. (§§ 1394.8221 through 1394.8226 explain the procedure and requirements for currently registering a place of business and the circumstances under which a place of business already registered must be registered again to be considered currently registered.)

(b) On or before August 2, 1944, each Post Exchange and each Ships' Service Store shall make application for registration as a dealer as of the close of busi-

ness on July 31, 1944, by filing Form OPA R-545 with the Board having jurisdiction over the area in which such Post Exchange or Ships' Service Store is located. Each such application shall be classed as an application for original registration. On or before August 31, 1944, each Post Exchange and each Ships' Service Store shall submit a report and reconciliation statement in accordance with § 1394.8218 for the month of July, 1944. Each such activity that maintains a ration bank account shall submit with such report a certified check in an amount equal to the total gallonage value of coupons or other evidences received by it in exchange for transfers of gasoline made prior to August 1, 1944, not previously remitted. Each such activity which does not maintain a ration bank account shall surrender to the Board all coupons and other evidences received by it in exchange for transfers of gasoline made prior to August 1, 1944, and the Board shall issue a receipt which shall contain the gallonage value of the coupons and other evidences surrendered. Such receipt shall be submitted with the report and reconciliation statement in lieu of a ration check.

§ 1394.8221 *Reregistration*—(a) *When a place of business must be re-registered.* Application must be made to reregister a place of business already registered with a Board under any of the following circumstances:

- (1) The place of business is transferred for continued operation.
- (2) The registrant ceases to operate the place of business as a licensed distributor but desires to operate it as a dealer or intermediate distributor.
- (3) The registrant ceases to operate the place of business as a dealer or intermediate distributor but wishes to operate it as a licensed distributor.

(4) The total gasoline storage capacity of the place of business of a dealer or intermediate distributor is altered in any manner.

If application for reregistration of a place of business is required, the place is treated as not currently registered until application is made and granted in accordance with §§ 1394.8222 and 1394.8223.

(b) *When a place of business may be re-registered.* A place of business registered pursuant to the provisions of Ration Order 5A, Ration Order 5C or this order may be re-registered for the purpose of correcting an error in the last previous registration.

§ 1394.8222 *Application for registration*—(a) *General.* Application for registration shall be made by filing Form OPA R-545 with the Board having jurisdiction over the area in which the place of business is located. A separate application must be submitted for each place of business. The application must contain the information required by the form.

A licensed distributor or consignee of a licensed distributor desiring to operate a place of business, which, under the terms of § 1394.7551 (a) (56), is deemed to be a part of the facilities of a licensed distributor, shall omit Items 2, 3 and 4

from his application and shall state instead that the place of business is operated by a licensed distributor or by such a consignee. If the applicant will operate as such a consignee, he shall also note the name of the licensed distributor.

(b) *Additional requirements where the place of business has been transferred to the applicant*—(1) *Additional requirements for all transfers.* At the time of the transfer of the place of business the applicant must obtain from the transferor and the transferor must surrender to him the certificate of registration (Part A of Form OPA R-545), if any, for the place of business. The applicant shall endorse his name upon the certificate and deliver it to the Board with his application for registration. He must also endorse his name upon the duplicate copy of the transferor's certificate of registration on file with the Board.

(2) *Additional requirements where the transferor is a dealer or intermediate distributor.* At the time the place of business is transferred to the applicant by a dealer or intermediate distributor the applicant must obtain from the transferor and the transferor must surrender to him all ration checks, coupons and other evidences on hand and ration credits on deposit for the place of business. If the transferor is an intermediate distributor, he must surrender the ration credits by delivering to the applicant a check issued to the Office of Price Administration for the net balance in the ration bank account for such place of business after deducting the gallonage value of all outstanding checks. The applicant must surrender to the Board with his application the evidences thus received. He must endorse on the copies of the transferor's certificate of registration the gallonage value of these evidences.

(c) *Additional requirements upon change of status of a place of business.* A person who wishes to change his place of business from a licensed distributor establishment to a dealer or intermediate distributor establishment shall treat the change as a transfer within the meaning of paragraph (b) (1). A person who wishes to change his place of business from a dealer or intermediate distributor establishment to a licensed distributor establishment shall treat the change as a transfer from a dealer or intermediate distributor within the meaning of paragraph (b) (1) and (2).

(d) *Additional requirements upon change of storage capacity of a place of business of a dealer or intermediate distributor.* If a dealer or intermediate distributor changes the total gasoline storage capacity of his place of business, he must, at the time of making application to the Board, surrender to it, for cancellation, the certificate of registration issued to him, and the Board shall attach to its copy of the new certificate both copies of the cancelled certificate. If the total gasoline storage capacity is decreased, the applicant shall surrender to the Board evidences equal in gallonage value to the amount of the decrease. (However, for storage facilities removed from the registered storage capacity be-

cause they are operated by the applicant as a retail vendor of aviation gasoline, he need not surrender evidences for the portion filled with aviation gasoline on the date he first became such a retail vendor.)

§ 1394.8223 *Action on application*—(a) *Approval or disapproval of application.* If the Board finds that the information submitted by the applicant is correct and that he in good faith intends to engage in business as a dealer or distributor at the place of business described in the application, the Board shall approve the application. However, if the place of business or a dealer or distributor establishment preceding it at the same location was registered in the name of a person against whom an administrative suspension order applying to that place of business or establishment is outstanding, the Board shall not act upon the application but shall transmit it to the District Director. If the District Director or any person designated by him to consider and act upon the application finds that the person against whom the administrative suspension order is outstanding controls or shares in the control of the place of business, he shall direct the Board to: (1) disapprove the application and deny registration, if the applicant is a dealer; or (2) limit approval of the application and registration to transfers to persons other than consumers, if the applicant is a distributor.

(b) *Issuance of certificate of registration.* If the Board approves the application for a place of business, the Board shall, by authorized signature, approve the certificates, file part B thereof, and return Part A to the applicant. The applicant shall retain it at that place of business and shall present it as an identification at the time of transacting business with any Board. If the Board gives only limited approval to the application of a distributor, the Board shall note on both copies of the certificate that the applicant is prohibited from making any transfers to consumers. A distributor receiving a certificate of limited registration for a place of business shall not make any transfers of gasoline from there to consumers.

(c) *Issuance of ration checks.* The Board shall not issue a ration check to a registrant of a place of business of a licensed distributor or a facility of a licensed distributor. Otherwise, the Board shall, at the time it issues the certificate of registration to the applicant, also issue to him one or more ration checks in a gallonage value equal to the number of gallons, if any, by which the total registered gasoline storage capacity for the place of business exceeds the total inventory of gasoline on hand. However, this is subject to the following three exceptions:

(1) If the applicant is a dealer and he acquired the place of business from a dealer or intermediate distributor who did not transfer to him gasoline and evidences at least equal in gallonage value to the total registered gasoline storage capacity of the place of business, the Board shall issue to the applicant evidences equal in amount to the evidences surrendered to him by the transferor of

the place of business and report these facts to the District Director. The District Director shall determine whether the remaining evidences shall be issued. He may designate the Board or another person to make this determination. The remaining evidences shall not be issued if the District Director (or his designee) finds that the transferor of the place of business controls or shares in the control of the place of business.

(2) Even though the place of business was not transferred to the applicant but instead a dealer or intermediate distributor establishment immediately preceding that place of business at the same location was closed by a person and such person did not surrender to the Board evidences at least equal in gallonage value to the total registered gasoline storage capacity of the place of business or establishment, the Board shall issue to the applicant one or more ration checks for the gallonage value of the evidences surrendered to the Board by such person and report these facts to the District Director. The District Director shall determine whether the remaining evidences shall be issued. He may designate the Board or another person to make this determination. The remaining evidences shall not be issued if the District Director (or his designee) finds that the operator of the predecessor establishment controls or shares in the control of the applicant.

(3) If a place of business is reregistered because of a change in its total storage capacity, the Board shall only issue to the registrant one or more ration checks equal in gallonage value to the amount of the unfilled storage capacity which is added.

(d) If an application for registration is denied or is given only limited approval, pursuant to paragraph (a), or evidences are not issued, pursuant to paragraph (c) (1) or (2), because the transferor of the place of business or the operator of a predecessor establishment controls or shares in the control of the place of business, the application may be granted in full and the remaining evidences issued when the applicant shows to the satisfaction of the District Director or his designee that the transferor or the operator of the predecessor establishment does not, and will not, any longer control or share in the control of the place of business of the applicant.

(e) No action taken under this section shall operate as a waiver of any violation of this order.

§ 1394.8224 What constitutes gasoline on hand. (a) The registrant shall register all gasoline on hand whether in storage tanks, tank trucks, tank cars delivered to railroad sidings, drums or other containers, except gasoline in the fuel tank of a motor vehicle and aviation gasoline in a storage facility held as a retail vendor or bulk consumer.

§ 1394.8225 What constitutes registered storage capacity. (a) *Registered storage capacity of a dealer or an intermediate distributor.* The registered storage capacity of any dealer or intermediate distributor is the maximum quantity of gasoline which he is permitted to acquire or have on hand at any

one time. When the maximum allowable inventory of any dealer, or intermediate distributor has been fixed by the District Director or his designee in the manner provided in paragraph (b) of this section the amount so fixed shall constitute his registered storage capacity. The registered storage capacity of a dealer or intermediate distributor may be increased or decreased pursuant to paragraphs (c) and (d) of this section. If, in the case of a dealer or intermediate distributor, the maximum allowable inventory has not been fixed pursuant to paragraph (b) of this section, and if the registered storage capacity has not been increased or decreased pursuant to paragraphs (c) or (d) of this section, the registered storage capacity shall be the physical storage capacity of the registered place of business or facility which shall be computed as follows:

(1) The number of gallons of gasoline which may be contained in his immobile storage tanks (excluding the capacity of his tank trucks, tank wagons, drums or other movable containers); or,

(2) If such person has no immobile storage facilities, then the number of gallons of gasoline which may be contained in all his delivery facilities.

Registered storage capacity does not include the storage facilities a person has as a retail vendor or bulk consumer of aviation gasoline.

(b) *Increase in registered storage capacity for dealers and distributors making transfers to certain fleet operators on a delayed settlement basis.* A dealer or an intermediate distributor properly designated pursuant to § 1394.8153a (b) to transfer gasoline to fleet operators on a delayed settlement basis and who, for that purpose, needs an allowable inventory in excess of that provided in subparagraphs (1) and (2) of paragraph (a) of this section, may apply for an increased maximum allowable inventory. Such an application shall be filed with the Board having jurisdiction over the area where applicant's place of business is situated, shall be in writing and shall state:

(1) His present registered storage capacity;

(2) The amount of gasoline and ration evidences on hand;

(3) The average amount of gasoline he transfers each week;

(4) The average amount of gasoline he expects to transfer each week on a delayed settlement basis, and

(5) The amount of the increase in allowable inventory he estimates to be necessary for the purpose.

The applicant shall submit with his application one copy of each of the designations received by him pursuant to § 1394.8153a (b) and Part A of his certificate of registration. The Board shall forward the application, together with copies of the designations submitted, and Part A and Part B of the applicant's registration certificate to the District Director of that District or his designee.

If the District Director or any person designated by him to consider such application determines that the applicant needs additional allowable inventory to make such transfers upon a delayed settlement basis, he shall increase the ap-

plicant's storage capacity in such manner as will provide the additional allowable inventory which he determines to be necessary for this purpose. However, the amount of such increase shall not exceed three times the average number of gallons of gasoline the applicant expects to transfer on a delayed settlement basis each week. The District Director or his designee shall deduct from the storage capacity so determined, the gallonage value of any shortage of gasoline or ration evidences which the applicant is unable to explain in the manner provided in § 1394.8217 (a) (1) and (3).

The District Director or his designee shall notify the applicant and the Board of the action taken upon the application and, if the application is granted, the applicant shall reregister as for a change of storage capacity.

In the event a District Director or any person designated by him for that purpose determines that a dealer or intermediate distributor no longer needs all or any part of the additional allowable inventory granted to him, such District Director or his designee may decrease the registered storage capacity of such dealer or intermediate distributor by the amount of the additional allowable inventory granted and no longer needed. The District Director or his designee shall notify such dealer or intermediate distributor and the Board of the action taken and such dealer or intermediate distributor shall reregister as for a change of storage capacity.

(c) *Decreases in registered storage capacity of dealers and intermediate distributors.* If a District Director or his designee has sent a dealer or intermediate distributor a notice pursuant to § 1394.8229 that his registered storage capacity has been decreased in a specified amount and such decrease has become effective pursuant to § 1394.8229 (b) or (c), the registered storage capacity of such dealer or distributor shall be the storage capacity originally specified on Part B of his certificate of registration, less any decreases specified in any notices of decrease which have become effective pursuant to § 1394.8229 (b) and (c), plus any increases specified in notices of increase sent pursuant to paragraph (d) of this section.

A Board, upon receiving such a notice of decrease shall attach it to Part B of the certificate of registration of such dealer or intermediate distributor. Such dealer or intermediate distributor upon receiving such a notice of decrease shall attach it to Part A of his certificate of registration and retain it with such Part A. He shall also attach any notice of modification or increase.

(d) *Increases in registered storage capacity of a dealer or intermediate distributor.* In the event the District Director or his designee pursuant to § 1394.8230 instructs a Board to issue appropriate evidences to a dealer or an intermediate distributor to replace invalid coupons upon which a decrease in his registered storage capacity was based (such a decrease is sometimes called a "reduction in allowable inventory"), he shall increase the registered storage capacity of such dealer or intermediate distributor by sending the following notices:

(1) A notice directed to such dealer or distributor stating that his registered storage capacity has been increased in the specified amount of such replacement evidences.

(2) A notice directed to the Board having jurisdiction over the area in which the place of business of such dealer or distributor is located stating that the registered storage capacity of such dealer or distributor has been increased in the specified amount of such replacement evidences.

When such notices have been sent, the registered storage capacity of such dealer or intermediate distributor shall be the storage capacity originally specified on Part B of his certificate of registration less any decreases specified in notices of decrease which have become effective pursuant to § 1394.8229 (b) or (c), plus any increases specified in these notices of increase.

A Board upon receiving such a notice of increase shall attach it to Part B of the certificate of registration of such dealer or intermediate distributor. Such dealer or intermediate distributor upon receiving such a notice shall attach it to Part A of his certificate of registration and retain it with such Part A.

(e) *Determination of registered storage capacity of facility of licensed distributor.* (1) A place of business or a facility of a licensed distributor shall have a registered storage capacity only when the District Director or his designee has determined its registered storage capacity pursuant to this paragraph. In the event the District Director or his designee has finally determined pursuant to § 1394.8229 (b) that any facility or place of business of a licensed distributor has acquired expired or counterfeit coupons, coupons not yet valid, stolen coupons as defined in § 1394.8229 (a) or coupons not bearing complete legible notations as required by this order (other than coupons obtained from a dealer in exchange for a transfer of gasoline), he shall determine the registered storage capacity of that facility or place of business. For this purpose the District Director, or his designee, shall first determine:

(i) The number of gallons of gasoline which may be contained in the immobile storage tanks (excluding the capacity of tank trucks, tank wagons, drums or other movable containers) located at that facility or place of business; or

(ii) If there are no immobile storage facilities at that facility or place of business, the number of gallons of gasoline which may be contained in the delivery facilities there.

(2) In order to determine the facts specified in subdivisions (i) (ii) of subparagraph (1) of this paragraph, the District Director or his designee shall proceed as follows:

(i) He shall mail or deliver a notice to any person or persons who share in the management, operation or control of such facility (including, without limitation, every person who makes or accepts delivery of gasoline upon consignment at such facility and the licensed distributor whose facility such place of business is) requiring such person to furnish to the District Director, or his designee,

on Form OPA R-545, the information specified in subdivisions (i) and (ii) of subparagraph (1) of this paragraph. These notices may be sent before the determination as to the invalidity of coupons pursuant to § 1394.8229 has become final. The notice shall require the furnishing of such information on or before a date therein specified. Such date shall be not less than five days after the date upon which such notice is mailed or delivered. Any person upon whom such request is made shall, on or before the date specified in the notice, furnish such facts to the District Director or his designee if they are within his knowledge.

(ii) In the event the persons to whom such notice is directed fail to furnish such information within the time required or if the District Director or his designee determines that the information furnished is incorrect, he may make such determination upon the basis of any other information which he may obtain, including his knowledge of what is reasonable and usual in the case of other places similarly situated.

From the amount determined in this manner he shall subtract the amount of such invalid coupons determined pursuant to § 1394.8229 and the resulting figure shall constitute the registered storage capacity of such facility or place of business. He shall send notices to the licensed distributor, the consignee of such licensed distributor (in the event the facility is being operated by such a consignee) and the Board having jurisdiction over the area where such facility or place of business is located, informing them of his action in fixing such registered storage capacity. After the expiration of a period of five days from the receipt of such notice, no person shall receive or make any transfer of gasoline to, or make any transfer of gasoline from, such facility or place of business unless the licensed distributor or his consignee operating such facility has delivered Part A of the certificate of registration for that facility or place of business to such Board and the Board has noted on both Part A and Part B of such certificate such registered storage capacity. Thereafter, the amount of gasoline on hand at that facility or place of business at any one time shall not exceed the registered storage capacity.

(3) After the registered storage capacity of a facility or place of business has been determined and entered on Parts A and B of the registration certificate such capacity may be decreased by notice in the same manner and on the same grounds as in the case of an intermediate distributor pursuant to § 1394.8229 and may be increased by notice pursuant to § 1394.8230 (d) (1) (iv). The licensed distributor or the consignee holding the Part A of the certificate of registration for such place or facility shall attach to and retain with such Part A all notices of increase or decrease in registered storage capacity.

(4) When the registered storage capacity of such a place or facility has been determined the District Director or his designee may fix the maximum allowable inventory of such place or facility in the same manner and subject to the same

provisions as in the case of a dealer pursuant to paragraph (b) of this section.

(f) *Appeal.* A dealer or distributor may appeal to the Regional Administrator from an adverse decision of the District Director or his designee. In such a case, the decision of the Regional Administrator shall be final and there shall be no further right of appeal. However, where the Regional Administrator acts in the place of a District Director, there shall be a right of appeal to the Washington Office of the Office of Price Administration from the decision of the Regional Administrator. The appeal shall be pursuant to the provisions of Procedural Regulation No. 9.

(g) *Supplemental rules for mobile storage capacity with respect to naphthas rationed only in PAW District No. 2.*

(1) If a dealer has immobile storage facilities at his place of business in PAW District No. 2, and also must regularly store in drums or other mobile storage facilities, rationed naphtha covered by § 1394.8365 of this order, his registered storage capacity provided by paragraph (a) (1) shall be increased by 110 gallons or by such other amount determined by the Board to be necessary for his business in such naphtha.

(2) If a dealer has no immobile storage facilities at his place of business in PAW District No. 2 and his gasoline transfers are primarily transfers of such naphtha, his registered storage capacity provided by paragraph (a) (2) shall not exceed 110 gallons or such other amount determined by the Board to be necessary for his business in such naphtha (and his business in other gasoline if any).

(3) If an intermediate distributor has immobile storage facilities at his place of business in PAW District No. 2 and also must regularly store such naphtha in drums or other mobile storage facilities, his registered storage capacity provided by paragraph (a) (1) shall be increased by the amount determined by the District Office to be necessary for his business in such naphtha.

(4) If an intermediate distributor has no immobile storage facilities at his place of business in PAW District No. 2 and his gasoline transfers are primarily transfers of such naphtha, his registered storage capacity provided by paragraph (a) (2) may be reduced to the amount determined by the District Office to be necessary for his business in such naphtha (and his business in other gasolines, if any).

§ 1394.8226 *Inventory in excess of storage capacity.* (a) In any case in which the total inventory of gasoline on hand at the time of registration exceeds the total registered gasoline storage capacity at the registrant's place of business, the registrant must surrender to the Board at the earliest possible moment consumer coupons or other evidences for the difference.

§ 1394.8227 *Cessation of business.*

(a) Any dealer or intermediate distributor who ceases to operate as such, disposes of his stocks of gasoline, and closes his place of business without transferring it to another for continued operation, shall, at the time of final closing, deliver to the Board having jurisdiction

of the area in which his place of business is located for cancellation, the certificate of registration of that place of business and a quantity of coupons or other evidences (or, if he is an intermediate distributor, shall issue to the Board a check) equal in gallonage value to the total capacity of the gasoline storage facilities of the place of business plus the gallonage value of any other coupons or other evidences deposited or on hand for that place of business (except those issued to him as a ration by a Board).

(b) Any dealer or intermediate distributor who ceases to operate as such, but continues to operate as a retail vendor of aviation gasoline, shall deliver to the Board having jurisdiction over the area in which his place of business is located, the certificate of registration of that place of business and a quantity of coupons or other evidences equal to the registered storage capacity of the place of business, less the amount of aviation gasoline on hand in such facilities. He shall also surrender to such Board any other coupons or evidences deposited or on hand for such place of business except those issued to him as a ration by a Board or as an allocation by the Administrator of Civil Aeronautics.

§ 1394.8228 *Restriction on use of ration checks issued as inventory evidences.* (a) Every dealer shall retain at the place of business for which they were issued all ration checks issued to him by a Board as inventory evidences for such place of business, and shall not exchange such checks except when the amount of consumer coupons or other evidences available is less than the amount of the delivery of gasoline.

PROCEDURE FOR DEBITING DEALERS AND DISTRIBUTORS FOR INVALID EVIDENCES AND FOR RESTORATION OF DEBITS

§ 1394.8229 *Debits and reductions because of invalid coupons—(a) General.* If the District Director or his designee finds upon an examination that any coupons deposited to the ration bank account of any distributor, or any other coupons of a dealer or distributor are expired (this shall not include coupons received by a dealer or intermediate distributor from a consumer prior to their expiration date if he is entitled to avail himself of the provisions of § 1394.8216 (b)), counterfeit, not yet valid, stolen (a stolen coupon for the purposes of this section includes only a coupon which has never been issued as a ration to a person or persons by the Office of Price Administration and which was in the possession of or surrendered by a dealer or distributor after February 28, 1945), or do not bear complete legible notations as required by the provisions of this order, the following action shall be taken:

(1) *Coupons received by a distributor from a dealer.* If such coupons were received by a distributor from a dealer the District Director or his designee shall:

(i) Cause the ration bank account of the distributor to be debited (after it has been credited) in the amount of the invalid coupons;

(ii) Notify the distributor and the dealer pursuant to subparagraph (4) of this paragraph.

(2) *Coupons received by a distributor from a consumer and others.* If such coupons were received by a distributor from a consumer (or any person other than a dealer) the District Director or his designee shall:

(i) Cause the ration bank account of the distributor (if an intermediate distributor) to be debited (after it has been credited) in the amount of the invalid coupons;

(ii) Notify the distributor pursuant to subparagraph (4) of this paragraph.

(3) *Coupons received by a dealer.* If such coupons were acquired by a dealer, the District Director or his designee shall notify him pursuant to subparagraph (4) of this paragraph.

(4) *Contents of notice.* The notice to the dealer or distributor shall contain the following information:

(i) The number and class of the invalid coupons.

(ii) The circumstances under which the invalid coupons were discovered and the reason for the invalidity of the coupons.

(iii) A statement advising the dealer or distributor that he may within fourteen days from the date of the notice request the District Director to afford him an opportunity to satisfy the District Director or his designee that the alleged invalid coupons were valid for the transfer of gasoline.

(iv) If the notice is directed to a distributor it shall also contain the following information:

(a) If the invalid coupons have been credited to the distributor's ration bank account, a statement (where this is the case) that such account has been debited in the amount of the invalid coupons.

(b) If the distributor has received invalid coupons from a dealer in exchange for a transfer of gasoline, a statement that the distributor must obtain valid evidences from his transferee to replace such invalid coupons when the determination of the invalidity of the coupons becomes final, and that such determination shall become final on the fifteenth day after the date of the notice unless the distributor is otherwise informed.

(c) If the distributor has not received the invalid coupons from a dealer in exchange for a transfer of gasoline, a statement that his registered storage capacity is decreased in the amount of the invalid coupons, effective on the 19th day after the date of the notice. However, when the invalid coupons were received at a place of business or facility of a licensed distributor and such place or facility does not have a registered storage capacity, the notice shall state that the registered storage capacity of such place or facility will be determined pursuant to § 1394.8225 (e).

(v) If the notice is directed to a dealer it shall also contain the following information:

(a) If the dealer has transferred invalid coupons to a distributor in exchange for gasoline, a statement that the dealer must surrender valid evidences to the distributor to replace the invalid coupons.

(b) A statement that the dealer's registered storage capacity is decreased in the amount of the invalid coupons, effective

on the 15th day after the date of the notice.

(5) If the District Director or his designee notifies a dealer or distributor that his registered storage capacity has been decreased, he shall also send a notice to the Board having jurisdiction over the area where the place of business of such dealer or distributor is located stating that the registered storage capacity of such dealer or distributor has been decreased in the specified amount of the invalid evidences and that such decrease shall be effective on the 15th day following the date of notice.

(b) *Effective date of determination of invalidity; reversal of debits if coupons prove to be valid.* A person desiring an opportunity to demonstrate that he did not acquire or transfer invalid coupons and that his registered storage capacity should therefore not be reduced, may file a written request with the District Director within fourteen days from the date of the notice sent him pursuant to paragraph (a) of this section. If he files such request within the prescribed time, the District Director or his designee shall afford him such an opportunity, not later than fifteen days from the date the request was filed, to present evidence to establish that he did not acquire or transfer invalid coupons. If the date of hearing is later than fourteen days after the date of the original notice of the invalidity of the coupons sent to a distributor pursuant to paragraph (a) of this section, the District Director shall inform such distributor that the determination of the invalidity of the coupons and the decrease in registered storage capacity will not become final until further notice.

If the District Director or his designee finds, after hearing, that the person neither acquired nor transferred invalid coupons, he shall modify his former determination and take appropriate action to replace evidences and restore registered storage capacity in accordance with the new findings. In such a case, the District Director or his designee will send appropriate notices to the dealer and any distributors previously notified and to the appropriate Board and ration bank setting forth the action taken.

If the person does not file his request within the prescribed time, or fails to establish that he did not acquire or transfer invalid coupons, then the determination becomes final and the decrease in registered storage capacity based on the invalid coupons becomes effective. Thereupon, if the Board and the person's supplier have been notified that the determination of the invalidity of the coupons or the decrease in registered storage capacity shall not be final or effective until further notice, the District Director or his designee shall notify the Board and the supplier that the determination has become final and the decrease in registered storage capacity has become effective.

In any case where the determination that a dealer or distributor has acquired or transferred invalid coupons has become final or a decrease in the registered storage capacity of a dealer or distributor has become effective, the District Director or his designee may inform any

supplier and any appropriate Board of such facts.

(c) *Effect of certain notices sent before December 19, 1944.* A notice dated on or before December 18, 1944, and sent by a District Office to a dealer or intermediate distributor stating that his permanent allowable inventory has been decreased in a specified amount because of the possession or transfer of expired coupons, counterfeit coupons, coupons not yet valid or coupons not bearing complete legible notations as required by this order shall have the same effect as a notice sent pursuant to paragraph (a) of this section.

If the person to whom such notice was directed does not request the District Director within fourteen days from the date of the notice to afford him an opportunity to demonstrate that he did not acquire or transfer invalid coupons as mentioned in the notice, or if the District Director, after hearing, has determined that he acquired or transferred invalid coupons as mentioned in the notice, and, in the case of an intermediate distributor, that he did not acquire the invalid coupons from a dealer in exchange for a transfer of gasoline, the determination of invalidity shall be deemed final and the decrease in permanent allowable inventory shall be deemed a decrease in registered storage capacity, which has become effective.

(d) *Appeal.* Any dealer or distributor may appeal to the Regional Administrator from an adverse decision of a District Director or his designee. In such a case, the decision of the Regional Administrator shall be final and there shall be no further right of appeal. However, where the Regional Administrator acts in place of a District Director, there shall be a right of appeal to the Washington Office of the Office of Price Administration. The appeal shall be pursuant to the provisions of Procedural Regulation No. 9.

§ 1394.8230 *Restoration of decreases in dealer's and distributor's registered storage capacity resulting from invalid coupons and replacement of evidence—*

(a) *General.* Any dealer or distributor may apply to his District Office for a restoration of any decreases in his registered storage capacity made by the District Director or his designee pursuant to § 1394.8229 or § 1394.8225 (e) (and not already restored) caused by his acquiring or transferring expired or counterfeit coupons, coupons not yet valid, stolen coupons as defined in § 1394.8229 (a) or coupons not bearing complete legible notations as required by this Order. (Such decreases in registered storage capacity are sometimes called "reduction in allowable inventory.")

(b) *When application is made.* No application for the restoration of a decrease or reduction made prior to December 4, 1944, may be made after March 1, 1945. Any application for restoration of a decrease or reduction made after December 3, 1944, must be filed within ninety days from the date of the notice of such decrease. No person may file such application for any one place of business more frequently than once in sixty days, unless the District Director,

for good cause shown, permits such filing.

(c) *How application is made.* Application shall be made on Form OPA R-549 Revised to the District Office having jurisdiction over the area in which the place of business of the applicant is located and shall cover only one place of business. The application shall contain the information required by the form. The applicant shall also furnish the following information in writing:

(1) A statement of the decreases in registered storage capacity included in the application and the date of entry and the amount of each decrease.

(2) A record of sales of gasoline from the place of business to consumers and others, separately stated, for each calendar month in which the invalid coupons were surrendered.

(3) Statements from his suppliers showing their deliveries of gasoline to the place of business for each calendar month, separately stated, for the twenty-four months period immediately preceding the date of application or for the period from the beginning of gasoline rationing in the area where the place of business is located, whichever is longer; or a statement from the suppliers that such records are not available; or a statement by the applicant showing that he has made a diligent effort to obtain such statements and why it is not possible to furnish them. When the applicant is unable to furnish such statements from suppliers showing such deliveries he shall set forth the sales of gasoline from the place of business for such months or state why it is not possible for him to furnish information of such sales. However, in connection with subsequent applications the applicant need not repeat the information already given, but shall furnish such statements for the period from the date of filing the preceding application to the date of the current application.

(4) With respect to invalid evidences transferred by the applicant to his supplier a certification from his supplier that valid evidences were received from the applicant to replace the invalid evidences, or a statement by the applicant that he made the replacement and why he is unable to supply such certification from his supplier. However, if the applicant has been unable to replace all these invalid coupons because he has no more evidences and no more gasoline available for sale, he must show the extent to which he has made replacement, in the manner required by the preceding sentence. He must also list the names and addresses of his suppliers to whom he still owes replacement and the amount owing to each of them.

(5) With respect to an application for an increase in registered storage capacity and a replacement of inventory in the total amount of a particular decrease pursuant to (d) (1) (ii) (a) of this section, a certification that he did not have actual notice of the debiting program when he surrendered such invalid coupons.

(6) With respect to an application for an increase of registered storage capacity and a replacement of inventory in an amount allowed by paragraph (d)

(1) (ii) (b) of this section, a statement describing:

(i) The measures taken by the applicant to determine the reliability and trustworthiness of employees prior to their being hired;

(ii) The instructions given employees with respect to the gasoline regulations both before and after the coupons were determined to be invalid;

(iii) The supervision exercised over the employees (before and after the coupons were determined to be invalid) to make certain that the instructions with respect to the gasoline regulations were carried out, including the frequency of the visits to the place of business by the owner or supervisor;

(iv) The disciplinary and corrective action taken against employees found to be violating the regulations and the period within which such action was taken after discovery of the violations; and,

(v) Whether a prompt and full disclosure of any violations by employees was made to the Enforcement Department of the Office of Price Administration.

(d) *Action by the District Office.* (1) If the District Director or a person designated by him for that purpose finds the applicant has had his registered storage capacity decreased as set forth in paragraph (a) of this section and that his application meets the requirements of paragraph (b) and (c) of this section he shall file the application and, subject to the provisions of subparagraph (2), (3) and (4) of this paragraph, he shall take the following action:

(i) He shall instruct the Board having jurisdiction over the area in which the place of business of the applicant is located to issue to the applicant appropriate evidences to replace the invalid coupons on which the decrease in registered storage capacity was based, but in an amount not to exceed one per cent (1%) of the amount of gasoline sold to consumers from the place of business in the calendar month in which such invalid coupons were surrendered to his supplier or to the Office of Price Administration, as the case may be.

(ii) The District Director or his designee shall instruct the Board to issue to the applicant appropriate replacement evidences in excess of such one per cent (1%) of the amount of gallonage sold, in the following two instances:

(a) To replace the invalid coupons surrendered by the applicant before April 1, 1944 on which the decrease in registered storage capacity was based, if the applicant had not been sent information of the debiting program by a supplier and he did not otherwise have actual notice of the debiting program when he surrendered such invalid coupons; and,

(b) To replace the invalid coupons surrendered in the first calendar month (other than a month covered by subdivision (a)) in which such invalid coupons exceed one per cent (1%) of the amount of gasoline sold to consumers in that month, if the monthly debits or decreases in registered storage capacity in the three calendar months following the date of application do not exceed one per cent (1%) of the monthly sales of

gasoline to consumers. However, the replacement evidences issued for such month shall not exceed three per cent (3%) of the amount of gasoline sold to consumers in such month. (One per cent (1%) may be given immediately under subdivision (i) of this paragraph and the remaining two per cent (2%) may be granted under this subdivision (b)).

(iii) Where the Board is instructed to issue evidences in replacement of the invalid coupons on which the decrease in registered storage capacity was based the District Director or his designee shall also notify the Board and the applicant pursuant to § 1394.8225 (d) that the registered storage capacity of the applicant is increased in an amount equal to such replacement of evidence.

(iv) With respect to the place of business or facility of a licensed distributor which has a registered storage capacity determined pursuant to § 1394.8225 (e), the District Director or his designee shall determine the amount of increase in registered storage capacity in the same manner he would determine the amount of replacement evidences pursuant to this section if such place or facility was the place of business of an intermediate distributor and send notices of such increase in registered storage capacity to the applicant and to the Board having jurisdiction over the area where such place or facility is located.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, no replacement of evidences, or increase in registered storage capacity may be allowed if, after a hearing, the District Director or his designee finds, or if a Hearing Commissioner in any administrative suspension proceeding finds, any of the following facts:

(i) That in the period covered by the application or thereafter evidences were acquired by the applicant other than lawfully from the Office of Price Administration or in exchange for a transfer of gasoline.

(ii) That during the period covered by the application or thereafter the applicant knowingly accepted counterfeit evidences or stolen coupons as defined in § 1394.8229 (a).

(iii) That, in the case of a decrease in registered storage capacity based on counterfeit coupons received by the applicant after December 3, 1944, or stolen coupons as defined in § 1394.8229 (a) such coupons did not bear complete legible notations as required by this order.

(3) No replacement of evidence or increase in registered storage capacity may be granted while any administrative suspension proceeding is pending against the applicant or during the period of suspension of the applicant under any administrative suspension order.

(4) No evidences shall be issued under this section to a licensed distributor or for a facility of a licensed distributor.

(5) If the applicant has been unable to deliver valid coupons to his supplier to replace certain of the invalid coupons because he has no more evidences and no more gasoline available for sale to replace the invalid coupons, but satisfies the provisions of § 1394.8230 (c) (4), and is otherwise entitled to replacement

of invalid coupons under the provisions of this section, the District Director or his designee shall determine the amount of replacement allowable pursuant to this section and shall then proceed as follows:

(i) He shall order the unreplaced items to be credited to the ration bank account of the supplier, but not in excess of the total replacement allowable pursuant to this section.

(ii) If the total amount of replacement evidences allowable pursuant to this section exceeds the unreplaced items due the applicant's supplier, the District Director or his designee shall direct the appropriate Board to issue to the applicant appropriate evidences in an amount equal to the amount of such excess.

(iii) The District Director or his designee shall also notify the Board and the applicant in the manner required by § 1394.8225 (d), that the registered storage capacity of the applicant is increased in an amount equal to the replacement made pursuant to this subparagraph.

(e) *Restoration not a waiver of violation.* No restoration granted under this section shall operate as a waiver of any violation of this order.

(f) *Appeal.* The applicant may appeal to the Regional Administrator from an adverse decision of the District Director or his designee. In such a case the decision of the Regional Administrator shall be final and there shall be no further right of appeal. However, where the Regional Administrator acts in the place of a District Director, there shall be a right of appeal to the Washington Office of the Office of Price Administration from the decision of the Regional Administrator. The appeal shall be pursuant to the provisions of Procedural Regulation No. 9.

§ 1394.8231 *Application to replace invalid coupons received by intermediate distributor from dealer.*—(a) *General.* An intermediate distributor whose ration bank account has been debited because he has received from a dealer in exchange for gasoline expired or counterfeit coupons, coupons not yet valid, stolen coupons as defined in § 1394.8229 (a) or coupons without complete legible notations as required by this order and who is unable to collect in replacement valid evidences from such dealer, although he has made reasonable and bona fide efforts to do so, may apply to the District Director for ration evidences to replace such debit.

(b) *Application.* Application shall be made on Form OPA R-549 Revised, to the District Office having jurisdiction over the area in which the place of business of the applicant is located.

The applicant shall also furnish the following information on the reverse side of such form:

(1) The name and business address of the dealer;

(2) The amount of the debit based on invalid coupons received from such dealer;

(3) The date of notice of the invalidity of such coupons;

(4) The amount of valid evidences, if any, received from such dealer in replacement of such debit; and

(5) A statement of the efforts he has made, and the reason why he is unable to obtain valid evidences from the dealer to replace all the invalid evidences.

(c) *Action by the District Director.* If the District Director or his designee is satisfied that the applicant has satisfied the requirements of paragraphs (a) and (b) of this section he shall instruct the Board having jurisdiction over the area in which the place of business of the applicant is located to issue to the applicant appropriate evidences in an amount sufficient to replace the portion of the debit.

(d) *Appeal.* The applicant may appeal to the Regional Administrator from an adverse decision of the District Director or his designee. In such a case the decision of the Regional Administrator shall be final and there shall be no further right of appeal. However, where the Regional Administrator acts in the place of a District Director, there shall be a right of appeal to the Washington Office of the Office of Price Administration. The appeal shall be pursuant to the provisions of Procedural Regulation No. 9.

INSPECTIONS

§ 1394.8235 *Inspection of records, facilities, coupon books, folders and other evidences.* (a) All records, reports, forms, accounts, or other documents required by Ration Order No. 5A, Ration Order 5C or this order to be prepared and kept by any person, and the gasoline facilities of any person, shall be subject to the inspection of the Office of Price Administration and its employees, by the employees of any state motor fuel tax administration, and by such other personnel as the Office of Price Administration may designate. Such inspection may be made at the place of business of any such person during regular business hours, or, in the case of matters prepared on forms of the Office of Price Administration, at any time and place designated by the Office of Price Administration.

(b) All mileage rationing records, gasoline deposit certificates and all coupon books, folders, coupons, and other evidences are, and when issued shall remain the property of the Office of Price Administration. Upon demand made by any investigator of the Office of Price Administration or by any police officer, constable, or other law enforcement officer of the United States or of any state, county, or local government, every person shall produce for inspection any mileage rationing record and gasoline deposit certificate and any gasoline coupon books, folders, coupons, and other evidences in his possession or control, whether valid, invalid, void or expired, and whether or not issued or acquired in accordance with this order. Investigators of the Office of Price Administration and all police officers, constables and other law enforcement officers of the United States or of any state, county or local government are authorized to make such inquiries of any person as may be pertinent to determine whether a violation of this order has been or is being committed, and are authorized to receive the surrender of all gasoline deposit certificates, gasoline coupon books, fold-

ers, coupons and other evidences acquired by any person otherwise than in accordance with this order, whether valid, invalid, void or expired.

(c) Representatives of Boards, District, Region and National Offices of the Office of Price Administration are authorized to receive the surrender of any gasoline deposit certificates, coupons, or other evidences in the hands of any dealer or distributor in excess of those he is required to have on hand for his place of business under the provisions of §§ 1394.8217 (a) and 1394.8218 (b) relating to the accountability of dealers and distributors for such certificates, coupons and evidences, and invalid coupons in the hands of any dealer or distributor.

ADJUSTMENTS AND APPEALS

§ 1394.8251 *Adjustments of errors made by registrars.* (a) Any person who claims that a registrar improperly refused to issue a basic ration or made an error in issuing a basic ration on the basis of his application, may apply to a Board, orally or in writing, for an adjustment of such error. Any person who claims that a basic ration was denied or was incorrectly issued to him by a registrar, by reason of an error in his application, may make a new application, to a Board, for a basic ration. Application pursuant to this paragraph shall be made to the Board having jurisdiction over the area in which such original application was made, or in which the motor vehicle for which the application was made is customarily garaged or stationed.

(b) The Board shall obtain and examine the original application, or, if such original application cannot expeditiously be found, it shall require the applicant to prepare a duplicate of such application and to certify that it is an exact duplicate thereof. If the Board finds that an error was made, by the applicant or by the registrar, it shall issue a basic ration or correct the basic ration issued by the registrar, or issue a new basic ration in place of the one issued by the registrar, or take such other action in accordance with the provisions of this order as may be necessary to correct the error. The Board shall, if it replaces a book, remove from the book issued by it coupons having a unit value equal, as nearly as possible, to the value in gallons of the coupons found to be detached from the book to be replaced.

§ 1394.8252 *Appeals from decisions of boards.* Any person may appeal from an adverse decision of a Board, except a decision pursuant to § 1394.7851 (b) (8) relating to an application for a discretionary special ration in a case of undue hardship. Except as provided in § 1394.8105, such appeals shall be taken only in accordance with the provisions of Procedural Regulation No. 9 issued by the Office of Price Administration.

ENFORCEMENT

§ 1394.8301 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application, or any other record, report, or certificate made pursuant to or required by the terms of this order or who otherwise knowingly furnishes false

information to any Board or, any other agent, employee or officer of the Office of Price Administration or falsifies or who conceals or covers up a material fact, by any trick, scheme or device, or who makes or causes to be made any false or fraudulent statements, or representations, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than \$10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of this order may upon conviction be fined not more than \$10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or action as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of this order may upon conviction be fined not more than \$10,000 or imprisoned for not more than one year, or both, and shall be subject to such other penalties or action as may be prescribed by law.

§ 1394.8302 *Suspension orders.* Any person who violates this order may, by administrative suspension order, be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of, any gasoline, tire or passenger automobile. Proceedings for the issuance of suspension orders shall be instituted and governed pursuant to the provisions of Revised Procedural Regulation No. 4.

NON-HIGHWAY GASOLINE PURCHASE RECEIPT BOOKS IN THE ST. PAUL TEST AREA

§ 1394.8341 *General.* (a) The following sections under this heading provide for the issuance of certain rations by issuing Non-Highway Gasoline Purchase Receipt Books (OPA Form No. R-582). These sections apply only if the rations are issued in the St. Paul Test Area. This area consists of the counties of Washington, Dakota, and Goodhue in the State of Minnesota.

§ 1394.8342 *When Non-Highway Gasoline Purchase Receipt Book is to be issued.* (a) Where the Board would otherwise issue to a consumer Class E or R coupon books as a non-highway ration for use in connection with farming (or as a non-highway ration for other users designated by the St. Paul District Director), the Board shall not issue such coupon books but shall, instead, issue one Non-Highway Gasoline Purchase Receipt Book (OPA Form No. R-582), if the ration is to be used to acquire gasoline by bulk transfers into the consumer's storage tanks or the fuel tank of his non-highway equipment at a place other than the supplier's establishment. (Non-Highway Gasoline Purchase Receipt Books shall not be issued to dealers or distributors.)

§ 1394.8343 *Issuing the Non-Highway Gasoline Purchase Receipt Book.* (a) Before issuing the Non-Highway Gasoline Purchase Receipt Book, the Board

shall fill out the Certification of Account on the cover of the book, stating among other things, the first day on which the book may be used, the amount of the ration in gallons, and the earliest renewal date of the ration. The Board shall also note its number and address on the back of each Non-Highway Gasoline Purchase Receipt in the book.

(b) The consumer must sign the Certification of Account before using the Non-Highway Gasoline Purchase Receipt Book.

§ 1394.8344 *Deliveries to consumers in exchange for Non-Highway Gasoline Purchase Receipts—(a) General.* The Non-Highway Gasoline Purchase Receipt Book issued to a consumer contains Non-Highway Gasoline Purchase Receipts with a stub for each receipt. These receipts are evidences. They may be used by the consumer to acquire gasoline by bulk transfers into his storage tanks or the fuel tank of his non-highway equipment at a place other than the supplier's establishment. However, they may be so used only under the conditions stated in this section.

(b) *Time when the consumer must surrender the receipts.* The consumer must issue the receipt (and the dealer or distributor must get it) at the time he acquires the gasoline. However, if either is absent when the gasoline is transferred by delivery, he may, at the supplier's option, issue the receipt after the delivery. (The supplier may be absent because delivery is made by a common or contract carrier.) In that case, he must issue the receipt (and the supplier must get it) within 7 days after the delivery, or at the time the gasoline is paid for if that takes place within the 7 days.

(c) *Stub and receipt must be filled out by consumer.* Before the consumer issues the receipt, he must fill it out and sign it. He must also fill out the accompanying stub. The receipt and the stub must each show, among other things:

- (1) The date the receipt is issued;
- (2) The name and address of the supplier;
- (3) The amount of gasoline acquired;
- (4) The date of acquisition; and
- (5) The amount of the ration less the total amount for which previous receipts from the Non-Highway Gasoline Purchase Receipt Book have been issued.

(d) *Certification of account must be shown to the supplier.* The consumer must show the Certification of Account to the supplier when the gasoline is delivered (unless either is absent at the time).

(e) *Period when transfers may be made.* A Non-Highway Gasoline Purchase Receipt does not authorize the transfer of gasoline to the consumer before the validity date stated on the Certification of Account. A consumer may not issue a receipt after the ration expires.

(f) *Amount that may be transferred.* A Non-Highway Gasoline Purchase Receipt authorizes the transfer of an amount of gasoline not in excess of the balance authorized to be transferred, as shown on the receipt and the accompanying stub. No consumer shall issue a Non-Highway Gasoline Purchase Receipt for or acquire an amount of gaso-

line which when added to the gasoline already acquired by him (on the basis of the Certification of Account) will exceed the amount authorized to be transferred by the Certification of Account. No dealer or distributor shall transfer gasoline to a consumer or accept a receipt from him if he knows or has reason to believe that the consumer is not permitted to acquire the gasoline or issue the receipt.

(g) *Advance surrender prohibited.* Non-Highway Gasoline Purchase Receipt Books may not be deposited by consumers with dealers or distributors or received for deposit from consumers by dealers or distributors. Non-Highway Gasoline Purchase Receipts may not be issued by consumers or received from them by dealers or distributors before the transfer of the gasoline.

(h) This section constitutes an exception to § 1394.8152, in addition to the other exceptions stated in that section.

§ 1394.8345 *Altered, mutilated, lost, stolen or destroyed Non-Highway Gasoline Purchase Receipts.* (a) No Non-Highway Gasoline Purchase Receipt which has been altered, mutilated, or partially destroyed (or which contains an erasure) may be issued, transferred or deposited. A person who holds such a receipt shall return it to the consumer who issued it with a request for a new receipt. If he is unable to locate the consumer, or to obtain a new receipt from him, he shall deliver the receipt to the St. Paul, Minnesota, District Office, with a statement signed by him of all the circumstances.

(b) A person who loses or unintentionally destroys a receipt issued or transferred to him or from whom such a receipt is stolen shall notify the consumer who issued it in writing of the circumstances of the loss or destruction and request that a new receipt be issued to him. If he is unable to locate the consumer, or to obtain a new receipt from him, he shall send to the St. Paul, Minnesota, District Office a statement signed by him of all the circumstances.

(c) A consumer to whom an altered, mutilated, or partially destroyed receipt (or one containing an erasure) issued by him is returned or who receives a request for the replacement of a lost, destroyed or stolen receipt issued by him, may issue a new receipt. If he does so, he must enter on the stub of the original receipt the fact that it has been lost, stolen, altered, mutilated, or partially or completely destroyed, and on the stub of the new receipt the fact that it replaces the original receipt. Every consumer shall immediately send to the St. Paul, Minnesota, District Office a written description of any receipt issued by him and lost, destroyed or stolen, and a description of any receipts issued to replace them.

§ 1394.8346 *Disposition of book and unused and mutilated receipts; getting additional books.*—(a) *When consumer applies for adjustment or renewal of ration.* When the consumer applies for an adjustment or a renewal of the ration for which he was given a Non-Highway Gasoline Purchase Receipt Book, he must,

as a condition of getting the further or renewal ration, surrender to the Board the book along with all unused and voided Non-Highway Gasoline Purchase Receipts whether or not still attached to the stubs.

(b) *Additional book for current ration.* If the consumer has used all the receipts in his Non-Highway Gasoline Purchase Receipt Book but has issued receipts for an amount of gasoline less than the amount authorized to be transferred by the Certification of Account, he may, on application to his Board, get another Non-Highway Gasoline Purchase Receipt Book for the difference. However, he must first surrender to the Board the old book along with all unused and voided Non-Highway Gasoline Purchase Receipts whether or not still attached to the stubs.

(c) *Replacement of book for current ration; mutilated Certification of Account.* No Non-Highway Gasoline Purchase Receipt Book may be used if the Certification of Account has been altered, mutilated, or partially or completely destroyed (or which contains an erasure). If the consumer has such a book, or if the book is lost, destroyed or stolen, and if the consumer has issued receipts for an amount of gasoline less than the amount authorized to be transferred by the Certification of Account, he may, on application to his Board, get another Non-Highway Gasoline Purchase Receipt Book for the difference. However, he must first surrender to the Board the old book along with all unused and voided Non-Highway Gasoline Purchase Receipts whether or not still attached to the stubs.

(d) *Expiration of ration.* If the consumer's ration expires, he must within 5 days surrender the book to the Board along with all unused and voided receipts whether or not still attached to the stubs.

(e) The consumer's obligation to surrender the book or receipts may be excused by the Board if lost, stolen or destroyed, or for other good cause.

§ 1394.8347 *Substitution of Non-Highway Gasoline Purchase Receipt Book for E and R coupons already issued.*

(a) If, upon the renewal of his current ration, a consumer would receive a Non-Highway Gasoline Purchase Receipt Book (pursuant to § 1394.8342) and he has been given only E or R coupons for his current ration, he may, by applying to his Board, get a renewal ration before the earliest renewal date of his current ration. If he does so apply, his current ration shall expire and he must surrender his E and R coupons to the Board in the manner required by § 1394.8102.

§ 1394.8348 *Use of Non-Highway Gasoline Purchase Receipts by dealers and distributors.* (a) Dealers and distributors may transfer or deposit Non-Highway Gasoline Purchase Receipts in the same manner that they may transfer or deposit checks received in exchange for gasoline. The dealer or distributor who obtained the receipt from the consumer must endorse the receipt by signing the certification, and inserting the number of the invoice, delivery ticket, or other

document of transfer, if any, on the back of the receipt.

§ 1394.8349 *Exceptions by District Director or Director of Automotive Supply Rationing Division.* (a) The Director of the Automotive Supply Rationing Division, Washington, D. C., or the St. Paul District Director may modify any of the provisions contained in §§ 1394.8341 through 1394.8348 (or grant exceptions thereto) covering the issuance or use of Non-Highway Gasoline Purchase Receipt Books or Receipts. (Action taken under this section shall not include modification of any other provision of this order.)

NAPHTHA

§ 1394.8365 *Area in which naphthas, etc. even though not used or blended for use as fuel in a motor vehicle, are rationed.* (a) Naphthas, aromatics, synthetic rubber raw materials, solvents or specialties, having an ASTM 10% distillation point below 220° Fahrenheit (ASTM D86-40), are rationed by this order in PAW District No. 2. This District includes the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Ohio, Indiana, Kentucky, and Tennessee. These products (called rationed naphtha) are treated as gasoline in these States for all the purposes of this order, except where a provision of this order provides specifically otherwise.

(b) Rationed naphtha does not include any of the following:

(1) A product excluded by § 1394.7551 (a) (12) (iii), from the definition of gasoline;

(2) A product under control by the War Production Board;

(3) A product in (or used directly from) a container of eight (8) fluid ounces or less, packaged by a person receiving a non-highway ration for the purpose, or packaged outside PAW District No. 2; or

(4) A product included in a continuous shipment that starts and ends outside PAW District No. 2.

A product used or blended for use as fuel in a motor vehicle and not excluded by § 1394.7551 (a) (12) (iii) from the definition of gasoline, is not considered rationed naphtha but is rationed as gasoline under the other provisions of this order.

§ 1394.8366 *Shipment of rationed naphtha into PAW District No. 2 from outside.* (a) The first person, in point of time, who has possession (other than as a common or contract carrier) in a State in PAW District No. 2 of rationed naphtha shipped from outside the District, must be either a licensed distributor or a consumer. No ration evidence shall be exchanged for his acquisition of the rationed naphtha. If he is a licensed distributor, he must report it as a receipt on OPA Form No. R-550, supported by a copy of the tax report and schedules submitted to the motor fuel tax administration or (if he does not account to such administration) by a statement showing the name and address of the supplier, and the amount and date of the shipment; and he must transfer, use, or

otherwise dispose of it only in the manner in which he may transfer, use or otherwise dispose of other gasoline (or pursuant to § 1394.8367). If he is a consumer (who is not a licensed distributor), he must report it to his Board within seven (7) days of the acquisition and surrender to the Board, at the time of the report, evidences having a gallonage value equal to the amount of the gasoline acquired.

§ 1394.8367 *Shipment of rationed naphtha out of PAW District No. 2 from inside.* (a) No evidence shall be exchanged for a transfer of rationed naphtha by a dealer or distributor in PAW District No. 2 to without this District (or for immediate shipment to without this District). The transferor must prepare an invoice, delivery ticket, or other customary evidence of transfer showing the names and addresses of both transferor and transferee, and the date and amount of the transfer. He must secure the transferee's signed certification on the document that the transferee received the transfer shown thereon; a bill of lading issued by a common carrier may be substituted for this certification.

(b) Within fifteen (15) days after the transfer, the dealer or intermediate distributor must surrender to his Board this document with the bill of lading, if any. It must be accompanied by a signed statement from the transferor that he has not received any evidence for the transfer. If the Board is satisfied that he has complied with the requirements of paragraphs (a) and (b), that the statements made are true, and that rationed naphtha was transferred from within to without PAW District No. 2, the Board shall issue a check to the transferor in the amount of the transfer.

(c) The licensed distributor must surrender the document, with the bill of lading, if any, along with his report on OPA Form No. R-550 for the month in which the transfer occurred. (He must report the transfer as ration-free.)

§ 1394.8368 *Report of sales of unrationed naphtha by licensed distributors in PAW District No. 2.* (a) A licensed distributor in PAW District No. 2, who includes in his R-550 report the ration-free transfer by him of aromatics, synthetic rubber raw materials, solvents or specialties, having an ASTM 10% distillation point at or above 220° Fahrenheit (ASTM D86-40), shall submit with the report copies of invoices, delivery tickets, or other customary evidences of transfer to him of such products prepared by his transferors, showing the names of the transferors and transferee and the date and amount of the transfers, and that the product transferred has an ASTM 10% distillation point at or above 220° Fahrenheit (ASTM D86-40).

AVIATION GASOLINE

§ 1394.8370 *Special rules for aviation gasoline.* (a) The Administrator of Civil Aeronautics will open ration bank accounts and issue and deposit checks as agreed upon with the Washington Office of the Office of Price Administration.

(b) Each person who receives an allocation of aviation gasoline from the Administrator of Civil Aeronautics shall

open a ration bank account. He shall deposit in it each check received from the Administrator of Civil Aeronautics. He shall issue checks against such account only as follows:

(1) To the Administrator of Civil Aeronautics for the amounts prescribed by such Administrator or his designee; or

(2) To his supplier for a bulk transfer of aviation gasoline.

(c) (1) A person who obtains aviation gasoline upon an allocation from the Administrator of Civil Aeronautics must not deliver such aviation gasoline except into the fuel tank of an aircraft or aircraft engine test stand or use it except in an aircraft engine.

(2) No ration evidence may be exchanged for a delivery of aviation gasoline into the fuel tank of an aircraft or aircraft engine test stand.

(d) This section, except subparagraph (2) of paragraph (c), does not apply to the Army, Navy, Marine Corps, Coast Guard or to any person acquiring aviation gasoline for export to any foreign country or insular or territorial possession of the United States.

(e) Nothing in this order authorizes any person to violate any provision of Regulation No. 534 of the Administrator of Civil Aeronautics or any order or instruction issued thereunder.

SAVING PROVISIONS AND EFFECTIVE DATE

§ 1394.8381 *Saving provisions.* Revised Ration Order 5C takes the place of and supersedes Ration Order No. 5A, §§ 1394.151 to 1394.2001, inclusive, and Ration Order 5C, except that Ration Order No. 5A and all amendments thereto and Ration Order 5C and all amendments thereto shall continue to remain in full force and effect for the purpose of allowing or sustaining any suit, action, prosecution or administrative or other proceeding heretofore or hereafter commenced with respect to any violation committed or right or liability incurred under or pursuant to the terms of Ration Order 5A and all amendments thereto prior to December 1, 1942, or under or pursuant to the terms of Ration Order 5C and all amendments thereto prior to May 5, 1945. All administrative exception orders issued under Ration Order 5C shall have the same force and effect as though issued under Revised Ration Order 5C.

This Revised Ration Order 5C shall become effective May 5, 1945.

NOTE: The reporting and record keeping requirements of this revised ration order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7138; Filed, May 1, 1945; 4:55 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 5C, Supp. 1]

MILEAGE RATIONING: GASOLINE REGULATIONS

§ 1394.8401 *Designation of unit values of coupons in gallons of gasoline.* (a).

Unit values of coupons. The value of the unit represented by Class A, B, C, D, E, R and T coupons is hereby designated and fixed as follows:

(1) Four gallons of gasoline with respect to Class A coupons which bear the numeral "13" or a higher numeral on the face of the coupon.

(2) Five gallons of gasoline with respect to Class B, C, R and T coupons.

(3) One and five-tenths gallons of gasoline with respect to Class D coupons.

(4) One gallon of gasoline with respect to Class E coupons.

This Supplement No. 1 to Revised Ration Order 5C shall become effective May 5, 1945.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong., Pub. Law 509, 78th Cong.; W. P. B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, 8 F.R. 9492, 9368, 9 F.R. 8775, 12338, 13039; E.O. 9125, 7 F.R. 2719).

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7139; Filed, May 1, 1945; 4:55 p. m.]

PART 1305—ADMINISTRATION [Supp. Order 109]

AMENDMENT OF CERTAIN ORDERS ISSUED UNDER SUPPLEMENTARY ORDER 94

A statement of the considerations involved in the issuance of this supplementary order has been issued simultaneously herewith and filed with the Division of the Federal Register.

§ 1305.137 *Amendment of certain orders issued under Supplementary Order 94.* (a) The orders issued by the Price Administrator or Regional Administrators under Supplementary Order 94 and listed below are amended by adding the words "and/or United States Department of Commerce" after the words "Treasury", "Treasury Department", "Procurement Division" or "Treasury Procurement" wherever they appear.

(1) *Orders issued by the Price Administrator under Supplementary Order 94.*

2	18	28	40
3	19	29	42
9	20	30	43
11	21	31	44
12	22	32	45
18	23	33	46
14	24	34	48
15	25	35	49
16 (Revised)	26	36	50
17	27	39	L1

(2) *Orders issued by the Regional Administrators under Supplementary Order 94.*

Region 1	Region 2	Region 3	Region 4	Region 7	Region 8
1	1	G-1	G-1	1	G-1
G-1	2	G-3		2	G-2
		G-4		3	G-3
		G-5		G-1	
		G-6		G-2	
		G-7		G-3	
		G-8		G-4	
				G-5	
				G-6	

(b) This supplementary order shall become effective May 1, 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7141; Filed, May 1, 1945;
4:57 p. m.]

PART 1340—FUEL

[MPR 120,¹ Amdt. 137]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 120 is amended in the following respects:

1. Section 1340.210 (a) (16) is amended to read as follows:

(16) Notwithstanding anything to the contrary contained in this regulation there may be added to the maximum prices established by §§ 1340.212 through 1340.226, inclusive, 1340.228, 1340.229, 1340.231, through 1340.233, inclusive, or by order issued on or before April 30, 1945, under this regulation for bituminous coal produced in Districts 1 through 15, inclusive, 17, 18, 20, 22, 23 the amounts set opposite the respective districts and types of mines:

District No:	Cents per net ton
1 Strip mines.....	0
2 Deep.....	18
3 All.....	09
4 Strip.....	14
5 Deep.....	23
6 All.....	0
7 Strip.....	26
8 Deep.....	40
9 All.....	24
10 Strip.....	26
11 Deep.....	15
12 All.....	20
13 Strip.....	08
14 Deep.....	20
15 All.....	09
16 Strip.....	0
17 Deep.....	20
18 All.....	09
19 Strip.....	0
20 Deep.....	27
21 All.....	40
22 Strip.....	0
23 Deep.....	55
24 All.....	04
25 Strip.....	35
26 Deep.....	0
27 All.....	25
28 Strip.....	30
29 Deep.....	0
30 All.....	25
31 Strip.....	30
32 Deep.....	45
33 All.....	

¹Including strip mines adjusted under § 1340.213 (e).

If coals from a deep mine and from a strip mine are mixed or blended the maximum price for the mixture shall be the weighted average of the maximum prices for each of the mixed coals. The calculation shall be made in a reasonable manner on a per net ton basis. This may include pricing by reference to the percentages which entered the mixture in

the immediately preceding period of one week or month but if this method is used there shall be no change to another method without consent in writing from the Solid Fuels Branch of the Office of Price Administration, Washington 25, D. C. Strip mined coals in Districts Nos. 1 or 4 which (i) are such as can be prepared so as to be generally acceptable in coal consuming markets, (ii) are handled through a preparation plant or tipple equipped with screens picking tables and in general with adequate facilities for preparing coal by removing refuse before loading into transportation facilities; (iii) as loaded into transportation facilities are adequately prepared by the use of such facilities; and (iv) are blended with deep mined coals in preparation, may be sold at the maximum prices for deep mined coals until May 31, 1945 provided the producer notifies the Solid Fuels Branch of the Office of Price Administration, Washington 25, D. C., by telegram on or before May 3, 1945 that he is continuing to charge such deep mine prices for the blend of coals and that he is prepared to show that his coals meet the standards set forth above.

2. In § 1340.208 (a) a new subparagraph (11) is added to read as follows:

(11) A "hand loading" mine or "hand mine" is an underground mine loading coal entirely by hand without the aid of any mechanical means, such as loading machines or conveyors, inside the mine.

This amendment shall become effective May 1, 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

For the reasons set forth in the accompanying statement of considerations, and by virtue of the authority vested in me by the Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, I find that the issuance of this amendment to Maximum Price Regulation No. 120 is necessary to aid in the effective prosecution of the war.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45-7140; Filed, May 1, 1945;
4:55 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[2d Rev. MPR 150¹, Amdt. 7]

FINISHED RICE AND RICE MILLING BY-PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

2d Revised Maximum Price Regulation 150 is amended in the following respects:

1. The words "warehoused it" are deleted from section 10a (a).

¹9 F.R. 11003, 12269, 14600, 14645; 10 F.R. 199, 4154, 4542.

2. The word "warehoused" is deleted from section 10a (c) (2).

This amendment shall become effective April 30, 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7142; Filed, May 1, 1945;
4:56 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3,¹ Amdt. 16]

SUGAR

A rationale accompanying this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Second Revised Ration Order 3 is amended in the following respects:

1. Section 2.2 (a) is amended by deleting the word "twenty (20)" and inserting in place thereof the word "fifteen (15)" and deleting the numeral "160" and inserting in place thereof the numeral "120".

2. Section 2.2 (f) is added to read as follows:

(f) No Board may, during the period from February 23, 1945, through October 31, 1945, inclusive, issue to consumers more sugar under the provisions of this Section than seventy percent of the total amount of sugar such Board issued for home canning and preserving for home use during the period from February 29, 1944 through December 9, 1944, inclusive. The total amount of sugar the Board may issue shall be taken into consideration in passing upon applications for sugar under this Section.

This amendment shall become effective May 1, 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7144; Filed, May 1, 1945;
4:56 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2,² Amdt. 2 to Supp. 4³]

CORN

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplement 4 to Food Products Regulation No. 2 is amended in the following respects:

1. The following sentence is added to subdivision (ii) of section 5 (b) (10): "If the haul exceeds 100 miles, the lowest local carload corn rail rate from the rail point nearest the point of origin to the rail point nearest the point of destination."

¹9 F.R. 13641, 13992, 14642, 15048; 10 F.R. 201.

²9 F.R. 8304.

³10 F.R. 2083, 2513.

¹9 F.R. 5042, 5375, 5587.

tion plus 8 cents per 100 pounds, but not to exceed 22 cents per hundred pounds, plus $\frac{1}{4}$ cent per hundred pounds for each five miles or fraction thereof over 100 miles."

2. Section 6 (a) (6) is amended to read as follows:

(6) *Base prices at the farm where grown.* At the farm where grown (i) the base price of the nearest interior rail point or barge loading point (which ever is nearest to such farm) less 4 cents per bushel or (ii) the base price at the nearest barge loading point less $2\frac{1}{2}$ cents per bushel, and less a transportation charge at the rates set forth in section 7 (b) (2) (ii) from the barge loading point to the farm: *Provided*, That if the corn is not hauled and delivered to a barge loading point, the base price on resale shall be as in (i) above.

3. Section 6 (a) is amended by adding subparagraphs (7), (8), (9) and (10) as follows:

(7) *Base prices for imported corn.* For base prices on imported corn, see section 11 of this supplement.

(8) *Base prices for ear corn and snapped corn.* The base price per bushel, bulk, for ear corn and snapped corn, shall be the appropriate base price for the kind and grade of shelled corn into which such ear corn or snapped corn can be converted, except, that if the market price for ear corn or snapped corn is less than the market price (not in excess of the maximum price) for the appropriate kind and grade of shelled corn into which such ear corn or snapped corn can be converted, the ear corn or snapped corn base price shall be the base price for the appropriate kind and grade of shelled corn less that difference per bushel, bulk, between the market price of such shelled corn and the market price of such ear or snapped corn.

(9) *Base prices for mixed grain.* The base price for mixed grain (as defined in the Official Grain Standards of the United States for corn) bulk, shall be determined pursuant to Article IV of Food Products Regulation No. 2.

(10) *Base prices for white corn.* The base price per bushel, bulk, for white corn, shall be the base price for the corresponding grade and quality of yellow corn or mixed corn, plus 15 cents per bushel.

4. Paragraph (b) of section 10 is amended to read as follows:

(b) *If delivery to you is in less than carload quantity.* (1) Except as provided in subparagraphs (2) and (3), if you receive any lot of corn from your supplier in less than carload quantity and reship such corn by rail or vessel or sell it in storage, you must use the base price at the point of reshipment or storage, less $1\frac{1}{4}$ cents per bushel, in place of your supplier's maximum price and, after such adjustment, you calculate your maximum price as provided in paragraph (a) of this section.

(2) If you receive any lot of corn from your supplier in less than carload quan-

tity and you reship the corn by rail or vessel from a terminal base point or sell it in storage there, you must use such terminal base price less $2\frac{1}{2}$ cents per bushel in place of your supplier's maximum price. Your markup on deliveries in a carload quantity, when so received, shall be $2\frac{1}{2}$ cents per bushel. The limitations on markups, set forth in section 12, shall not apply to the markup provided in this subparagraph.

(3) If you receive any lot of corn from your supplier in less than carload quantity and you reship the corn by barge from a barge loading point or sell it in storage there, you must use the barge loading point base price in place of your supplier's maximum price and after such adjustment you calculate your maximum price as provided in paragraph (a) of this section.

5. Subdivision (ii) of section 10 (c) (4) is amended to read as follows:

(ii) $6\frac{3}{4}$ cents per bushel if delivered to a feeder in Area B; or in Area A if the corn has been received by the merchandiser by rail car and unloaded into an elevator or warehouse; or

6. Section 14 is amended to read as follows:

SEC. 14. *Separate invoicing of charges, markups and costs.* When any selling price equals or exceeds the base price adjusted for grade and quality at point of origin plus freight, or exceeds the base price adjusted for grade and quality at the terminal through which the shipment moves plus freight, all service charges, markups, elevation and handling costs, and transportation costs permitted in respect to distributors of carload quantities shall be separately stated on the invoice or on the confirmation of purchase or sale to each purchaser of a carload quantity.

7. Paragraphs (a) (2) (i) and (ii) of Table I of Appendix A are amended to read as follows:

(i) The base price for the standard grade and quality No. 2 corn shall be adjusted as follows for factors other than moisture:

Discount per bushel for grading:	Cents
No. 3.....	$\frac{1}{2}$
No. 4.....	1
No. 5.....	$1\frac{1}{2}$
Sample.....	2

The discounts set forth in this subdivision (i) shall not be cumulative.

(ii) For corn carrying each of the following grade notations, the following additional discounts shall be subtracted:

Notation:	Cents per bushel
Weevily.....	1
Sour.....	1
Heating.....	3
Hot.....	5
For damaged grain in excess of 30%— 1¢ for each additional 10% or portion thereof.	

The additional discounts in this subparagraph shall be cumulative.

8. A new paragraph (c) is added to Table I in Appendix A to read as follows:

(c) *Method of adjusting prices for grade and quality.* The premiums and discounts in paragraphs (a) and (b) of this table are used to adjust the price for the standard grade and quality (No. 2 yellow or No. 2

mixed corn, testing 53 pounds per bushel) so as to arrive at the price for a lot of corn grading other than standard. When corn is shipped out of a place of business, such out-bound lot may be of different grade and quality than the inbound lot whose history you are using for the purpose of pricing the outbound lot. In such cases it is necessary to make a price adjustment to reflect such differences in grade and quality. This is done by adjusting the price of the inbound lot to a No. 2 yellow or No. 2 mixed corn (standard grade and quality) basis, by applying the schedule of premiums and discounts set forth in paragraphs (a) and (b) of this table, and then adjusting that price in the same manner to determine the correct price for the grade and quality of the outbound shipment.

9. The base prices in Table IV of Appendix A for the following counties in Colorado are changed to read as set forth below:

COLORADO			
Alamosa.....	\$1.30	La Plata.....	\$1.37
Archuleta.....	1.35	Mesa.....	1.37
Chaffee.....	1.32	Mineral.....	1.35
Clear Creek.....	1.26	Moffat.....	1.37
Conejos.....	1.30	Montezuma.....	1.37
Custer.....	1.26	Montrose.....	1.37
Delta.....	1.37	Ouray.....	1.37
Dolores.....	1.37	Park.....	1.26
Eagle.....	1.37	Pitkin.....	1.37
Fremont.....	1.24	Rio Blanco.....	1.37
Garfield.....	1.37	Rio Grande.....	1.30
Gilpin.....	1.26	Routt.....	1.32
Grand.....	1.27	Saguache.....	1.30
Gunnison.....	1.35	San Juan.....	1.37
Hinsdale.....	1.35	San Miguel.....	1.37
Jackson.....	1.27	Summit.....	1.32
Lake.....	1.32		

This amendment shall become effective May 7, 1945.

Issued this 2d day of May 1945.

CHESTER BOWLES,
Administrator.

Approved: April 24, 1945.

GROVER B. HILL,
First Assistant War Food
Administrator.

[F. R. Doc. 45-7178; Filed, May 2, 1945;
11:41 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[Territorial Consumer Goods Reg. 1]

GENERAL PRICING PROVISIONS FOR CERTAIN CONSUMER GOODS IN HAWAII

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith, and filed with the Division of the Federal Register.

ARTICLE I—GENERAL DEFINITIONS

- Sec.
- 1.1 Meaning of "person".
 - 1.2 Meaning of "records".
 - 1.3 Meaning of "sale at wholesale".
 - 1.4 Meaning of "sale at retail".
 - 1.5 Meaning of "sell".
 - 1.6 Meaning of "to deliver".
 - 1.7 Meaning of "landing cost".
 - 1.8 Meaning of "article".
 - 1.9 Adoption of definitions in Emergency Price Control Act of 1942, as amended.

ARTICLE II—PRICING PROVISIONS

- 2.1 Explanation.

- Sec.
2.2 Maximum prices for articles covered by an applicable supplement to this regulation which cannot be priced because of the seller's inability to determine his maximum price under the applicable pricing provision contained in such supplement.
- 2.3 Application for approval of maximum prices for nationally advertised articles.
- 2.4 Maximum prices for articles having a manufacturer's established and maintained price.
- 2.5 Maximum prices for assorted job lot merchandise.
- 2.6 Maximum prices for certain merchandise purchased at lower than manufacturer's maximum price.
- 2.7 Treatment of Federal and Territorial taxes.
- 2.8 Revocation of orders affecting articles covered by this Regulation or its supplements.

ARTICLE III—PROHIBITIONS AND MISCELLANEOUS PROVISIONS

- 3.1 Compliance with the applicable supplement.
- 3.2 Notification of maximum retail prices by persons selling to retailers.
- 3.3 Fractional prices for articles sold at wholesale or retail.
- 3.4 Records which must be kept.
- 3.5 Sales slips and receipts.
- 3.6 Transfers of business or stock in trade.
- 3.7 Adjustable pricing.
- 3.8 Petitions for amendment.
- 3.9 Applications for adjustment.
- 3.10 Effect of wholesalers' statement of manufacturer's selling price or mainland importer's selling price.

AUTHORITY: § 1418.166 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

Explanation of the regulation. This regulation, together with its supplements, provides maximum price control for sales of certain consumer goods in the Territory of Hawaii. The transactions covered include sales by manufacturers, wholesalers, and retailers of these articles, whether locally produced or imported into the Territory. "New" articles only, are covered except where a particular supplement specifically applies to sales of used or second hand articles.

The regulation, by itself, contains no maximum prices, but is issued to set forth in a single document the provisions most commonly used in fixing the maximum prices of such consumer goods in the Territory of Hawaii. The maximum prices, pricing formulas, and special pricing provisions are printed in separate documents which are issued as "supplements" to the regulation. Each supplement specifically lists the articles to which it applies. For example, the basic maximum prices for sales of toys imported into the Territory at wholesale and retail are set forth in a separate supplement relating to several categories in the consumer goods field. Only the more general provisions, applicable to all or a number of categories of articles in the field are set forth here.

The provisions of this regulation apply to particular supplements only as they are incorporated in, and become parts of, those supplements. For example, whether or not section 2.3 (Application for approval of maximum prices for nationally advertised articles) becomes a

part of a particular supplement depends on whether section 2.3 is stated in that supplement to be part of it. Not all the sections of this regulation will apply to every supplement, and when particular sections are not listed in a supplement, they are to be disregarded for the purposes of that supplement.

NOTE: In many sections of this regulation, reference is made to "the effective date of the applicable supplement." Because consumer goods articles may be added from time to time to a given supplement, "effective date of the applicable supplement" shall mean the date when the item being priced is first included in it.

ARTICLE I—GENERAL DEFINITIONS

NOTE: A seller is sometimes in doubt as to how to determine his maximum price because he is not certain what kind of seller he is under the regulation. This happens most frequently in those cases where the seller wholesales a few of the articles he sells, and sells the remaining articles at retail. It is desirable, therefore, to explain how the terms used in this regulation and its supplements apply to various kinds of sellers.

When classifying a seller, this regulation is concerned only with the way he handles the particular item which he is pricing. For example, if he is pricing an "Atlas" watch, the only question is how he handles "Atlas" watches. How he sells "Paradise" clocks or "Pacific" watches makes no difference.

The important thing is how he sells the particular article being priced and not how he carries on his general business.

SECTION 1.1 Meaning of "person". "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successors or representatives of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

SEC. 1.2 Meaning of "records". "Records" include books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading and other similar papers and documents.

SEC. 1.3 Meaning of "sale at wholesale". "Sale at wholesale" means a sale by a person who buys a commodity and resells it, without substantially changing its form, to any person other than an ultimate consumer, and includes any sale to the United States, or any government, or any of its sub-divisions, any religious, educational, or charitable institution for the sick, deaf, blind, disabled, aged or insane, or any school, hospital, library, commercial or industrial user, or any agency of the foregoing, except as such sales come within the provisions of section 1.4 below.

SEC. 1.4 Meaning of "sale at retail". "Sale at retail" means a sale to an ultimate consumer. However, a sale to any of the following types of purchasers by a retail store which regularly and customarily sells to ultimate consumers other than industrial, commercial or institutional users, shall be deemed a sale at retail.

(a) A commercial or industrial user of any item, *Provided*, Such sale does not affect the direct cost of material sold by the purchaser or the direct cost of any service rendered by such commercial or industrial user, or

(b) The United States, or any government, or any of its sub-divisions, any religious, educational, or charitable institution for the sick, deaf, blind, disabled, aged or insane, or any school, hospital, library, or any agency of the foregoing.

SEC. 1.5 Meaning of "sell." "Sell" includes sell, supply, dispose, barter, exchange, license, transfer and deliver, and contracts and offers to do any of the foregoing.

SEC. 1.6 Meaning of "to deliver". "To deliver" means to transfer actual possession of the commodity to the purchaser or to any carrier, including a carrier owned and controlled by the seller, for shipment to the purchaser.

SEC. 1.7 Meaning of "landing cost". When used in the pricing or reporting provisions of an applicable supplement to this regulation,

(a) "Landing cost" for articles imported into the Territory of Hawaii shall be the total of the following amounts: (Important: Of course, if an amount has been added once in the computation of a maximum price under an applicable supplement, it may not be added again).

(1) An amount equal to the transportation charges, if any, actually incurred by the purchaser for transportation from the point at which the purchaser received delivery to the port of shipment (including transportation taxes and terminal charges) not in excess of public (common or contract) carrier rates.

(2) An amount equal to storage charges and insurance in connection therewith actually incurred by the purchaser. However, charges for such storage and insurance in excess of three months shall not be included.

(3) An amount equal to the cartage charges actually incurred by the purchaser for cartage from warehouse to dock in the port of shipment, not in excess of public (common or contract) carrier rates.

(4) An amount equal to charges for ocean freight, war risk and marine insurance actually incurred by the purchaser, and there may be included in this amount Territorial tolls and tonnage tax as shown on the bill of lading.

(5) An amount equal to cartage charges in the port of entry in the Territory of Hawaii from the dock to the establishment of the purchaser, computed at a rate not in excess of \$1.20 per ton weight or measurement; *Provided*, That the article is moved from the dock at the purchaser's expense.

(b) "Landing cost" in the case of inter-island shipments. In cases where the article has been shipped from one island to another in the Territory of Hawaii, the following additional charges may be added to those set forth in paragraph (a) above:

An amount equal to the actual transportation cost for inter-island shipment to be computed in accordance with the applicable provisions of subparagraphs (3), (4) and (5) above.

SEC. 1.8 Meaning of "article" "Article" means any consumer goods listed in an applicable supplement which is manufactured and sold as a distinct item.

SEC. 1.9 Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to the terms used herein.

ARTICLE II—PRICING PROVISIONS

SEC. 2.1 *Explanation.* The special pricing provision relating to particular consumer goods items are contained in the applicable supplements to this regulation covering such items. The provisions listed here are designed to cover general adjustment and pricing situations, and to provide certain pricing definitions which will apply to most of the supplements issued under this regulation. Of course, an applicable supplement must adopt such a provision in order for it to apply to the particular supplement.

SEC. 2.2 *Maximum prices for articles covered by an applicable supplement to this regulation which cannot be priced because of the seller's inability to determine his maximum price under the applicable pricing provision contained in such supplement.* The maximum price for the sale of an article covered by a supplement to this regulation for which the seller is unable to determine his maximum price either because no pricing method is established for the particular commodity transaction involved or because the seller is unable to determine his maximum price under the pricing method established, or otherwise, shall be a maximum price in line with the level of maximum prices established by such applicable supplement to this regulation and shall be determined in the following manner:

Such seller shall file an application with the Office of Price Administration, Honolulu 2, T. H. (unless otherwise directed by a uniform pricing order) for approval of a proposed maximum price for the article. This application shall contain:

(a) A full description of the article to be priced. The description should include such matters, when relevant, as model, use, manufacturer's list name or number, trade category (e. g. toys, jewelry, glassware, etc.), principal materials of which constructed, unit in which priced, size, weight, packaging, brand or manufacturer's name, and any other pertinent information.

(b) The name and address of the supplier of the article as well as a statement of the type of supplier (whether manufacturer, wholesaler, etc.).

(c) A statement of the reasons why the maximum price for such article cannot be determined under the applicable supplement to this regulation.

(d) The proposed maximum price and the method used in figuring such maximum price, including a breakdown of seller's costs and the proposed markup.

(e) The reason why seller believes the proposed price is in line with the maximum prices otherwise established by the applicable supplement to this regulation.

The seller shall also furnish any additional information which the Office of Price Administration may require.

An article for which a maximum price is proposed or for which an application

for a price should be filed under this section may not be sold until an application for a price has been filed and that price has been approved by the Office of Price Administration, but the proposed price shall be deemed to be approved 20 days after mailing the application (or all additional information which may have been requested) unless within that time the Office of Price Administration notifies the seller that his proposed price has been disapproved.

The Director of the Office of Price Administration for the Territory of Hawaii may at any time approve, disapprove, or revise maximum prices proposed or established under this section so as to bring them in line with the level of maximum prices otherwise established by this regulation and any applicable supplement thereto, and may, either in connection therewith or for failure of a seller to apply for the approval of a maximum price under this section, issue orders establishing maximum prices or pricing methods for the sale or resale of any commodity subject to this regulation or its supplements.

SEC. 2.3 *Application for approval of prices for nationally advertised articles.* Application may be made by any seller, including a wholesaler, for approval of a price at retail for an article in an applicable supplement which is nationally advertised by the manufacturer thereof who requires that such article be sold at the prices established by him, if such price is higher than the maximum price permitted under the applicable supplement. The applicant must set forth:

(a) Stock or lot number, and name and description of the article.

(b) A copy of the advertisement by the manufacturer of the nationally advertised price.

(c) A description by the applicant of the terms of the guarantee, if any, made by the manufacturer, the wholesaler or retailer in connection with the sale of such article.

(d) A statement by the seller at retail that he will not sell such article at a price higher than such nationally advertised price.

(e) Such other information as the Office of Price Administration may require.

Such application, of course, need not be made where such nationally advertised price is lower than the maximum price for such article as calculated under the applicable supplement to this regulation.

In the event approval is granted by the Director of the Office of Price Administration for the Territory of Hawaii the seller other than at retail shall state on his invoice the nationally advertised retail price and that permission to sell such article at the nationally advertised price at retail has been granted by the Director of the Office of Price Administration for the Territory of Hawaii.

SEC. 2.4 *Application for approval of maximum prices for articles having a manufacturer's established and maintained price.* Application may be made by any seller for approval of a price for any article covered by an applicable supplement to this regulation where the

price is established and maintained by the manufacturer thereof by means of a regularly printed list or catalogue, and where the manufacturer requires that such article be sold at the price established and maintained by him. The applicant must set forth:

(a) Lot and stock number.

(b) Description of the article or line to be priced.

(c) Proof that the manufacturer has established and maintained a resale price, and that the manufacturer will not sell to a wholesaler or a retailer who does not maintain this price.

(d) A statement that the seller will not sell such article at a price higher than such established and maintained price.

(e) Such other information as the Office of Price Administration may require.

Such application, of course, need not be made where such established and maintained price is not in excess of the maximum price as calculated under the applicable supplement.

In the event approval is granted by the Director of the Office of Price Administration for the Territory of Hawaii, the seller shall state on his invoice the manufacturer's established and maintained price and that permission to sell such article at the manufacturer's established and maintained price at wholesale or at retail has been granted by the Director of the Office of Price Administration for the Territory of Hawaii.

SEC. 2.5 *Maximum prices for assorted job lot merchandise.* In cases where a wholesaler or retailer purchases an assorted job lot of merchandise covered by an applicable supplement to this regulation, which is invoiced to him for a single or blanket price, he may make application to the Office of Price Administration, Honolulu 2, T. H., for approval of his own allocation of the cost of such merchandise to the different articles involved. Such application shall show the resulting wholesale or retail maximum price determined on the basis of such allocated costs.

SEC. 2.6 *Maximum prices for certain merchandise purchased at lower than manufacturer's maximum price.* In cases where a wholesaler or retailer purchases from a manufacturer or wholesaler located outside the Territory of Hawaii any article covered by an applicable supplement to this regulation at a price lower than the manufacturer's maximum price and lower than a price which the purchaser previously paid for the same merchandise, and where such lesser price was paid by reason of the seasonal nature of the goods, application may be made to the Office of Price Administration, Honolulu 2, T. H., for a maximum price for resale of the merchandise, which maximum price is based upon the higher price previously paid to such manufacturer and the appropriate multiple provided by the applicable supplement to this regulation. Any such application must be accompanied by the invoice for the goods in question and the invoice establishing the former higher price, or other evidence of a similar nature and any other information the Office of Price Administration may require.

SEC. 2.7 Treatment of Federal and Territorial Taxes. If, at the time the seller determines his maximum price for any article covered by an applicable supplement to this regulation, the statute of the United States or the Territory of Hawaii imposing any tax upon, or incident to, the sale or delivery of any article covered by such supplement does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of the tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such an amount in the computation of his maximum price. In addition, in the case of a sale of any article at wholesale to a buyer who does not have a gross income tax license, the seller may add one percent to the maximum wholesale price.

SEC. 2.8 Revocation of orders affecting articles covered by this regulation or its applicable supplements. Any order establishing or adjusting maximum prices of articles covered by an applicable supplement to this regulation is revoked as of the day such supplement becomes effective.

ARTICLE III—PROHIBITIONS AND MISCELLANEOUS PROVISIONS

SEC. 3.1 Compliance with applicable supplement—(a) No selling or buying above maximum prices. Regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver and no person in the course of trade or business shall buy or receive in the Territory of Hawaii any article at a price higher than the maximum price established for it by the applicable supplement. However, prices lower than the maximum price may be charged and paid.

(b) Evasion. Nor shall any person evade any of the applicable provisions of this regulation or of any applicable supplement directly or indirectly, whether by commission, service, transportation or other charge or discount, premium or other privilege; by tie-in agreement, combination sale, or other trade understanding, special privilege, or in any other way.

(c) Enforcement. Any person violating a provision of this regulation or of any applicable supplement is subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

(d) Licensing. The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or its applicable supplements. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 3.2 Notification of maximum retail prices by persons selling to retailers. Every person selling any article covered by an applicable supplement for which a dollars-and-cents maximum price is established at retail, before or at the time of the first delivery to each purchaser, shall supply the purchaser with a written statement of the maximum retail price set forth in the applicable supplement for the article delivered.

SEC. 3.3 Fractional prices for articles sold at wholesale or retail. Where a provision is made in an applicable supplement for the calculation of a maximum price not otherwise specified in dollars-and-cents, for the sale of an article at wholesale or retail, and such calculation results in a fraction of a cent, then the amount so calculated shall be reduced to the nearest lower cent if the fraction is less than one-half cent, and shall be increased to the next higher cent if the fraction is one-half cent or more.

SEC. 3.4 Records which must be kept. Every person who makes sales covered by the applicable supplement shall:

(a) In the case of sales other than at retail, make and keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect complete and accurate records of each purchase and each sale made by such person showing a description of the article, including the lot and stock number, if any, the date thereof, the name and address of the buyer and seller, the price paid, charged, or received, and the quantity purchased or sold.

(b) In the case of sales at retail, make and keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect complete and accurate records of each purchase made by the seller showing a description of the article, including the lot and stock number, if any, the date thereof, the name and address of the person selling to the seller, the price paid or charged, and the quantity purchased.

SEC. 3.5 Sales slips and receipts. Any seller who has customarily given a purchaser a sales slip, receipt, or some evidence of purchase shall continue to do so. Upon request, any seller regardless of previous custom shall give the purchaser a receipt showing the date, the name and address of the buyer, the name and quantity of each article sold and the price received for it, and the lot or stock number.

SEC. 3.6 Transfers of business or stock in trade. If the business, assets or stock in trade of a seller subject to this regulation or an applicable supplement are sold or otherwise transferred after the effective date of the applicable supplement and the transferee carries on the business, or continues to deal in the same type of articles, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no transfer had taken place, and the trans-

feree's obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation and all applicable supplements.

SEC. 3.7 Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery, but no person may, unless authorized by the Director of the Office of Price Administration for the Territory of Hawaii, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Director of the Office of Price Administration for the Territory of Hawaii after delivery.

SEC. 3.8 Petitions for amendment. Any person seeking a final modification of this regulation or an applicable supplement may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1² issued by the Office of Price Administration; *Provided, however,* That any such petition shall be filed with the Director of the Office of Price Administration, Honolulu 2, Territory of Hawaii.

SEC. 3.9 Applications for adjustment. The Director of the Office of Price Administration for the Territory of Hawaii may by order adjust a maximum price established under a supplement to this regulation when it appears after application by a seller or group of sellers under the provisions of Revised Procedural Regulation No. 7.³

(a) That there exists or threatens to exist in a particular locality a shortage in the supply of a commodity which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(b) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such commodity; and

(c) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

SEC. 3.10 Effect of wholesaler's statement of manufacturer's selling price or mainland importer's selling price. In situations where a retailer does not purchase an article being priced under an applicable supplement to this regulation from the manufacturer or mainland importer he must receive a written statement from his seller setting forth on the invoice or otherwise such manufacturer's selling price or mainland importer's selling price. If he has no knowledge of such price and no cause to doubt the accuracy of his seller's statement, he may use such manufacturer's selling price or mainland importer's selling price whichever is applicable for the purpose

² 9 F.R. 10476, 13715.

³ 8 F.R. 5842, 6174.

of applying the pricing provisions of an applicable supplement.

This regulation shall become effective as of April 1, 1945.

NOTE: All record-keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Issued this 2d day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7179; Filed, May 2, 1945;
11:43 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS
[Territorial Consumer Goods Reg. 1, Supp. 1]

JEWELRY AND CERTAIN OTHER ITEMS
IMPORTED INTO HAWAII

A statement of the considerations involved in the issuance of this supplement, issued simultaneously herewith, has been filed with the Division of the Federal Register.

ARTICLE I—EXPLANATION OF THE SUPPLEMENT
Sec.

1. Explanation of the supplement.
2. Applicability of Territorial Consumer Goods Regulation No. 1.
3. Definitions.

ARTICLE II—PRICING PROVISIONS

4. Maximum prices for sales at wholesale.
5. Maximum prices for sales at retail.
6. Maximum prices for locally assembled articles.
7. Maximum prices for sets.
8. Maximum prices for jewelry and other articles containing newly mined domestic silver.
9. Altering or engraving any article covered by this supplement.
10. Maximum prices for sales by wholesalers and retailers of the "War Alarm Clock" authorized by the War Production Board.
11. Provisions relating to watches.
12. Provisions of Article II of Territorial Consumer Goods Regulation No. 1 applicable to this supplement.

ARTICLE III—MISCELLANEOUS PROVISIONS

13. Sales invoices.
14. Tagging of watches.
15. Provisions of Article III of Territorial Consumer Goods Regulation No. 1 applicable to this supplement.
16. Table A; articles covered by this supplement.

ARTICLE I—EXPLANATION OF THE
SUPPLEMENT

SECTION 1. *Explanation of the supplement.* (a) This supplement establishes maximum prices for jewelry and certain other articles listed in section 16, Table "A", which have been imported into the Territory of Hawaii. It does not cover:

(1) Locally manufactured cowry shell and cat's eye. (These are covered by section 50 of Maximum Price Regulation 373.)

(2) Purses (except mesh and beaded purses). (These are covered by section 52 of Maximum Price Regulation 373.) Mesh and beaded purses are covered by this supplement.

(3) Used articles. (Second hand watches are covered by Supplement 3 to

Territorial Consumer Goods Regulation No. 1. All other used articles are covered under the General Maximum Price Regulation for the Territory of Hawaii at the wholesale level and by Maximum Price Regulation 429 at the retail level.)

(4) Certain swiss watches. (These are covered by Supplement 2 to Territorial Consumer Goods Regulation No. 1.)

(5) Antiques. (These are exempted from price control.)

(6) Precious stones and articles ornamented with precious stones. (These are exempted from price control as precious stones and mountings into which precious stones are set.)

(7) Locally manufactured articles listed in section 16, Table "A", other than locally assembled articles. (These are covered under the General Maximum Price Regulation for Hawaii.)

(b) This supplement applies to sales at wholesale and sales at retail. In the case of sales by assemblers, it covers sales at all distribution levels of imported articles covered by this supplement which are assembled locally.

(c) This supplement applies throughout the Territory of Hawaii.

(d) This supplement supersedes the provisions of all other Maximum Price Regulations and orders only as to the products listed and the transactions covered.

SEC. 2. *Applicability of Territorial Consumer Goods Regulation No. 1.* The provisions of Territorial Consumer Goods Regulation No. 1 which are applicable to this supplement are listed by section number in appropriate places in the following provisions and they are just as much a part of this supplement as if they were printed here in full. In addition, the "explanation of the regulation" contained in Territorial Consumer Goods Regulation No. 1 is also a part of this supplement. When any applicable section of Territorial Consumer Goods Regulation No. 1 is amended, the amendment also is applicable to this supplement.

If a particular section of Territorial Consumer Goods Regulation No. 1 is not listed by section number in the following provisions as being applicable to this supplement, it, of course, has no effect here.

SEC. 3. *Definitions.* (a) When used in this supplement, the term:

(1) "Articles commonly or commercially known as jewelry" shall include all articles designed to be worn on the person or apparel for the purpose of adornment and which in accordance with custom or ordinary usage are worn so as to be displayed.

(2) "Precious stones" means any ruby, sapphire, emerald, natural pearl or any diamond (other than an industrial diamond), or any semi-precious stone after sale by the cutter, when the cutter has received more than \$100.00 for the sale of the stone. Synthetic stones and cultured pearls shall not be deemed "precious stones".

(3) "Precious metals" means platinum, gold, silver and other metals of greater or similar value, and platings and alloys of such metals, but do not include chromium, copper, aluminum,

brass, pewter and similar metals, platings or alloys.

(4) An "importer" means any person who is the first consignee in the United States or the Territory of Hawaii of articles imported directly from outside the continental United States, which he sells or delivers to wholesalers, retailers, or ultimate consumers.

(5) "Mainland" means the continental United States.

(6) "Local" means the Territory of Hawaii.

(7) "Foreign exporter" means any person located outside the continental United States who sells or delivers directly to a purchaser located in the Territory of Hawaii.

(8) "Manufacturer's selling price" means the price at which the manufacturer of the article sold and invoiced it f. o. b. factory less all discounts and allowances except discounts for prompt payment up to 2% and before the addition of any premium or other charge permitted under the second Revised Maximum Export Price Regulation.

(9) "Mainland importer's selling price" means the price at which the mainland importer of the article from outside continental United States sold and invoiced it less all discounts and allowances except discounts for prompt payment up to 2% and before the addition of any premium or other charge permitted under the Second Revised Maximum Export Regulation.

(10) "Net cost" means the amount the buyer paid for the article delivered to his place of business (including transportation and cartage costs, marine and war risk insurance, export and/or import taxes, customs duties, consular fees, and storage charges incident to delays in shipment [not however to exceed 3 months storage charges] if such expenses are actually incurred by the buyer) less all discounts and allowances, except discounts for prompt payment up to 2% allowed the buyer, and before the addition of any premium or other charge permitted under the Second Revised Maximum Export Price Regulation.

(11) "Sets" means a combination of two or more items packaged and designed to be sold as a unit, which have been purchased by the seller as a unit.

(12) An "assembler" of jewelry is a person who purchases two or more articles covered by this supplement which can be and are sold separately and joins them together in some fashion to form a new article.

(13) "Antiques" (i) are old (if an article is less than 75 years old it will almost never be an antique); (ii) tend to increase rather than decrease in value because of age; (iii) are purchased primarily because of their authenticity, age, rarity, style, etc., rather than for utility; and (iv) are commonly known and dealt in as antiques by the trade.

(14) "Guaranteed" means that defective factory parts will be replaced by the seller.

(15) "Your" refers to any seller subject to this supplement.

(b) The definitions of the following terms set forth in the following sections of Territorial Consumer Goods Regula-

tion No. 1 are applicable to this supplement:

"Person", (section 1.1)
 "Records", (section 1.2)
 "Sale at wholesale", (section 1.3)
 "Sale at retail", (section 1.4)
 "Sell", (section 1.5)
 "To deliver", (section 1.6)
 "Landing cost", (section 1.7)
 "Article", (section 1.8)
 "Adoption of definitions in Emergency Price Control Act of 1942, as amended" (section 1.9)

ARTICLE II—PRICING PROVISIONS

SEC. 4. *Maximum prices for sales at wholesale.* (Note: definitions of terms used in this section are listed in section 3 of this supplement.)

(a) Your maximum price for sales at wholesale of any article purchased from a mainland manufacturer, a mainland importer, or a mainland wholesaler shall be determined as follows:

First, add your mainland manufacturer's selling price or your mainland importer's selling price (whichever is applicable) and your landing cost. Then multiply this amount by 1.33 $\frac{1}{3}$. The resulting price is your maximum price.

(1) Statement and certification required to be obtained by wholesaler pricing under paragraph (a) above:

In order for a wholesaler to determine his maximum price under paragraph (a) above, he must obtain a written statement from his supplier listing the mainland manufacturer's selling price or mainland importer's selling price (whichever is applicable) in conformity with the definition of the applicable term set forth in section 3 of this supplement and certifying such price to be at or below his OPA maximum price.

If a wholesaler does not secure such statement and certification, he may not sell the article in question until he has filed an application with the Office of Price Administration, Honolulu 2, T. H., by letter for approval of a proposed maximum price under the provisions of section 2.2 of Territorial Consumer Goods Regulation No. 1 and until a wholesale maximum price has been approved for such article under that section. In addition to the information required to be filed in such an application for a proposed maximum price under section 2.2, he must also file the name and address of his supplier with such application.

(b) Your maximum price for sales at wholesale of any article purchased from a foreign exporter shall be determined as follows:

Multiply your net cost by 1.33 $\frac{1}{3}$. The resulting price is your maximum price.

(c) Notification by wholesalers who sell to purchasers for resale of certain pricing information.

Every person making a sale at wholesale for which his maximum price is determined under this section shall furnish each purchaser for resale the following information on his invoice in addition to the information required under section 3.5 of Territorial Consumer Goods Regulation No. 1:

(1) The following written or stamped statement:

Notice of OPA Ceiling Prices: These prices do not exceed our maximum prices to retailers under section 4 of Supplement 1 to Territorial Consumer Goods Regulation No. 1.

(2) If the article being sold is priced under section 4 (a) above, a written or stamped notice separately stating mainland manufacturer's selling price or mainland importer's selling price (whichever is applicable) and the landing cost used in the determination of your maximum price. For example, if the item was purchased from a mainland manufacturer, a statement in the following form is sufficient:

"Manufacturer's selling price" or "MSP"—\$20.00

"Landing cost" or l. c.—\$0.50.

(3) If the article being sold is priced under section 4 (b) above, a written or stamped notice of the local wholesaler's "net cost". A statement in the following form is sufficient:

"Net cost" or n. c.—\$20.00.

SEC. 5. *Maximum prices for sales at retail.*

NOTE: Definitions of terms used in this section are listed in section 3 of this supplement.

(a) Your maximum price for sales at retail of any article purchased directly from a mainland manufacturer or mainland importer shall be determined as follows: First, add the mainland manufacturer's selling price or the mainland importer's selling price and your landing cost. Then multiply this amount by 2.00. The resulting price is your maximum price.

(b) Your maximum price for sales at retail of any article purchased directly from a mainland wholesaler shall be determined as follows: First, add the mainland manufacturer's or the mainland importer's selling price and your landing cost. Then multiply this amount by 2.33 $\frac{1}{3}$. The resulting price is your maximum price.

(c) Certification required to be obtained by retailers pricing under paragraphs (a) and (b) above.

In order for a retailer to determine his maximum price under paragraphs (a) and (b) above, he must obtain a statement from his supplier listing the mainland manufacturer's selling price or mainland importer's selling price (whichever is applicable) in conformity with the definition of the applicable term set forth in section 3 of this supplement, and certifying such price to be at or below his supplier's OPA maximum price. This information may be given in any convenient form by your supplier. For example, it may be written or stamped on his invoice.

If a retailer does not secure such statement and certification, he may not sell the article in question until he has filed an application with the Office of Price Administration, Honolulu 2, T. H., by letter for approval of a proposed maximum price under the provisions of section 2.2 of Territorial Consumer Goods Regulation No. 1 and until a retail maximum price has been approved for such article under that section. In addition to the information required to be filed in

such application for a proposed maximum price under section 2.2, he must also file the name and address of his supplier with such application.

(d) Your maximum price for the sale of any article purchased from a local wholesaler shall be determined as follows:

(1) Articles purchased from a local wholesaler who has purchased from a mainland manufacturer or mainland importer: First, add the manufacturer's selling price or mainland importer's selling price (whichever is applicable) and the landing cost. Then multiply this amount by 2.33 $\frac{1}{3}$. The resulting price is your maximum price.

(2) Articles purchased from a local wholesaler who has purchased from a foreign importer: Multiply the net cost to the local wholesaler by 2.00. The resulting price is your maximum price.

(3) Explanatory note. Retailers can easily determine whether they should price an article purchased from a local wholesaler under subparagraph (1) or (2), above. The wholesaler from whom you buy is required to state on his invoice under section 4 (c) above, the necessary information.

For example, if the item being priced was purchased by the wholesaler from a mainland manufacturer, the wholesaler's invoice will disclose and identify as a separate statement, the manufacturer's selling price and the landing cost. The retailer will then determine his price under subparagraph (1), above. Read section 4 (c) above, and notify your wholesaler or the Office of Price Administration if you do not receive the proper information required.

(e) Your maximum price for the sale of any article purchased from a foreign exporter shall be determined as follows: Multiply your net cost by 2.00. The resulting price is your maximum price.

(f) Your maximum price for the sale of locally assembled articles purchased from a local assembler who has priced under section 6 (a) below, shall be determined as follows: Multiply the selling price of your assembler by 2.00. The resulting price is your maximum price.

(g) Your maximum price computed under this section may be adjusted to the nearest nickel.

SEC. 6. *Maximum prices for locally assembled articles.* (a) A local assembler who assembles two or more articles covered by this supplement for sale as a single article shall determine his maximum prices as follows:

(1) In the case of sales by assemblers to purchasers for resale:

The assembler shall determine the maximum price for each individual article being assembled into a single article under the provisions of section 4, above, and add them together. The total of the maximum prices for the individual articles which are assembled is the maximum price for the assembled article. No additional charge may be added for assembling the article.

(i) Notification by assemblers who sell to purchasers for resale of certain pricing information.

Every assembler making a sale to a purchaser for resale shall furnish such purchaser the following information on

his invoice in addition to the information required under section 3.5 of Territorial Consumer Goods Regulation No. 1:

(a) The following written or stamped statement:

Notice of OPA Ceiling Prices: These prices do not exceed our maximum prices to retailers under section 5 (f) of Supplement 1 to Territorial Consumer Goods Regulation No. 1.

(2) In the case of sales by assemblers to ultimate consumers: The assembler shall determine the maximum price for each individual article being assembled into a single article under the provisions of Section 5, above and add them together. The total of the maximum prices for the individual articles which are assembled is the maximum price for the assembled article. No additional charge may be added for assembling the article.

SEC. 7. Maximum prices for sets—(a) Maximum prices. For sales of articles purchased as sets composed of two or more articles all of which are listed separately in section 16, table A.

(1) The maximum prices for sales at wholesale and at retail of sets composed of two or more articles all of which are listed separately in section 16, Table A, shall be determined under the provisions of section 4 and 5, above.

(2) Sets, items of which are sold separately.

The maximum prices for sales at wholesale and at retail of articles purchased as sets composed of two or more articles listed separately in section 16, Table "A", which the seller wishes to sell separately, shall be determined under the provisions of sections 4 and 5, above.

(b) Maximum prices for sales of articles purchased as sets of which one or more articles are not listed separately in section 16, Table A.

(1) The maximum price for sales at wholesale and retail of sets covered by this supplement of which one or more articles are not listed separately in section 16, Table "A", shall be a price determined under the provisions of section 2.2 of Territorial Consumer Goods Regulation No. 1 upon application to the Office of Price Administration, Honolulu 2, T. H. by the seller.

(2) Sets, items of which are sold separately.

The maximum prices for sales at wholesale and at retail of articles purchased as sets, of which one or more articles are not listed separately in section 16, Table "A", but which the seller wishes to sell separately shall be determined as follows:

If the article sold separately is covered by this supplement, the maximum price shall be determined under the provisions of sections 4 and 5, above.

If the article sold separately is not covered by this supplement, its maximum price shall be determined under the provisions of the maximum price regulation controlling its sale.

SEC. 8. Maximum prices for jewelry and other articles covered by this supplement containing newly mined domestic silver. (a) The maximum price for the sale at wholesale and sale at retail of jewelry and any other article covered by this supplement containing newly mined

domestic silver shall be determined as set forth below:

(1) *Sales at wholesale.* The maximum price for sales at wholesale of any article for which the manufacturer's maximum price was determined under paragraph (b) of Order 226 under § 1499.159b of Maximum Price Regulation 188, (Maximum Prices for Sales of Certain Consumers' Articles Containing Newly Mined Domestic Silver) shall be calculated as follows:

The provision of section 4 of this supplement shall be applied just as if the article contained silver other than newly mined domestic. Then, to the price thus obtained for the article, shall be added \$0.36 for each fine troy ounce of net content of newly mined domestic silver. The resulting price is your maximum price.

(2) *Sales at retail.* The maximum price for sales at retail of any article for which your supplier's maximum price was established under Order 226 under § 1499.159b of Maximum Price Regulation 188 or under subparagraph (1) above, shall be calculated as follows:

The provisions of section 5 of this supplement shall first be applied just as if the article contained silver other than newly mined domestic. Then, to the price thus obtained for the article, shall be added \$0.36 for each fine troy ounce of net content of newly mined domestic silver. The resulting price is your maximum price.

(3) No person selling articles covered by this supplement at wholesale or at retail may apply the provisions of subparagraphs (1) and (2) above, unless the increased price referred to in those subparagraphs was actually paid by him.

SEC. 9. Altering or engraving any article covered by this supplement. Every person making a sale at retail of any article covered by this supplement and who alters or engraves the article at the request and to the specifications of the buyer, may make a charge and receive payment therefor, in addition to the maximum price established under this section: *Provided*, That the buyer is charged separately for such altering or engraving.

SEC. 10. Provisions relating to new watches—important: This supplement does not establish maximum prices for all new watches imported into the Territory of Hawaii. Supplement 2 to Territorial Consumer Goods Regulation No. 1 establishes maximum prices in the Territory of Hawaii for certain imported Swiss watches, including all sales of pin-lever, cylinder, and Roskopf watches and sales to purchasers for resale and at retail for certain listed models of Rolex, Mido, Helbros, and Gruen watches.

All new watches other than those covered by Supplement 2 are covered by this supplement whether manufactured or assembled in the United States or imported from outside the United States.

Your maximum prices for sales of watches covered by this supplement are determined under sections 4 and 5, above.

SEC. 11. Maximum prices for sales by wholesalers and retailers of the "War Alarm Clock" authorized by the War Production Board. The maximum prices for sales of the "War Alarm Clock"

which is manufactured according to specifications prescribed by the War Production Board shall be as follows:

For sales at wholesale, the maximum price is \$1.10 plus landing costs.

For sales at retail, the maximum price is \$1.65 plus landing costs, exclusive of excise or sales tax.

Every wholesaler selling "War Alarm Clocks" to a purchaser for resale shall list separately on his invoice to each purchaser for resale the retail price of \$1.65 and his landing costs.

SEC. 12. Provisions of Article II of Territorial Consumer Goods Regulation No. 1, applicable to this supplement. The following provisions of Territorial Consumer Goods Regulation No. 1 are applicable to this supplement:

(a) Maximum prices for commodities covered by an applicable supplement which cannot be priced because of the seller's inability to determine his maximum price under the applicable pricing provision contained in such supplement. (Section 2.2)

(b) Application for approval of maximum prices for nationally advertised prices. (Section 2.3)

(c) Maximum prices for assorted job lot merchandise. (Section 2.5)

(d) Maximum prices for certain merchandise purchased at lower than the manufacturer's maximum price. (Section 2.6)

(e) Treatment of Federal and Territorial taxes. (Section 2.7)

(f) Revocation of orders affecting articles covered by this regulation or its supplements. (Section 2.8)

ARTICLE III—MISCELLANEOUS PROVISIONS

SEC. 13. Sales invoices. In addition to such record keeping requirements which must be fulfilled under sections 4 (c) and 9 of this supplement, every person making a sale of an article covered by this supplement, other than at retail shall furnish the buyer at the time of delivery of the article with a written invoice or sales memorandum, setting forth the manufacturer's selling price, or mainland importer's selling price, as the case may be, the date of sale, the name and address of the buyer and seller, quantity and description of the article sold, manufacturer's lot number and style, the amount of the "landing cost" for such article if paid by the seller, his "net cost," if he determines his maximum price under section 4 (b), above, the price paid, charged or received therefor and either the retailer's maximum price or the appropriate retail multiple as fixed under Article II of this supplement.

In addition, every person making a sale to a purchaser for resale of an article for which the seller's maximum price has been determined under section 8 (a), above, shall file with his customer for each article a statement either on his invoice or separately, the following information:

(1) A statement of the net number of troy ounces of fine silver content of newly mined domestic silver.

(2) The amount of added cost at \$0.36 per ounce due to the use of newly mined domestic silver.

SEC. 14. Tagging of watches. Every person who sells a watch covered by this supplement shall include with each

watch delivered to a retailer, a tag or label setting forth the style name or number, the kind of case, the number of jewels, and whether such watch is "waterproof" or "not waterproof" or is "guaranteed" or "not guaranteed." This tag or label must not be removed until the watch is sold to an ultimate consumer.

Sec. 15 *Provisions of Article III of Territorial Consumer Goods Regulation No. 1 applicable to this supplement.* The following provisions of Territorial Consumer Goods Regulation No. 1 are applicable to this supplement:

- (a) Compliance with applicable supplement. (Section 3.1).
- (b) Fractional prices for articles sold at retail. (Section 3.3).
- (c) Records which must be kept. (Section 3.4).
- (d) Sales slips and receipts. (Section 3.5).
- (e) Transfers of business or stock in trade. (Section 3.6).
- (f) Adjustable pricing. (Section 3.7).
- (g) Petitions for amendment. (Section 3.8).
- (h) Applications for adjustment. (Section 3.9).
- (i) Effect of wholesaler's statement of manufacturer's selling price or original importer's selling price. (Section 3.10).

Sec. 16 *Table A; list of articles which must be priced under this supplement.*

All articles commonly or commercially known as jewelry or costume jewelry, whether real or imitation, such as rings, bracelets, earrings, chains, singly or with lockets or with crosses or ornaments, cuff buttons, cuff links, shirt studs, collar pins and buttons, tie clasps, bead, shell jewelry and hat or head bands (except as covered by section 50 of Maximum Price Regulation 373), bracelets, brooches, clips and pins, necklaces and lavalieres, buckles, medals and badges.

Articles made from "precious metals" (but not including items ornamented with or trimmed with precious metals below) including: picture frames, cigar and cigarette cases and boxes, holders and lighters, jewelry boxes, key chains, knife chains, watch chains and watch fobs, liquor flasks, letter openers, cocktail shakers, hat pins, hand mirrors, combs and brushes—the backs of which are made from precious metals.

All rosaries and medals with religious significance.

All new watches and clocks, except certain imported Swiss watches covered by Supplement 2 to Territorial Consumer Goods Regulation No. 1.

All compacts.
All binoculars, field, marine, opera and magnifying glasses.
All watch bands.
All mesh and beaded bags.
All military insignia, except fabric, and buttons.

Sets, in which one or more of the articles contained in such set are otherwise listed in this Table A.

This supplement shall become effective as of April 1, 1945.

NOTE: All record-keeping and reporting requirements of this supplement have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7180; Filed, May 2, 1945;
11:41 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[Territorial Consumer Goods Reg. 1, Supp. 4]

CERTAIN CHINA, GLASSWARE, WALLETS, TOYS, AND MISCELLANEOUS PERSONAL AND HOUSEHOLD ACCESSORIES WHICH HAVE BEEN IMPORTED INTO HAWAII

A statement of the considerations involved in the issuance of this supplement, issued simultaneously herewith, has been filed with the Division of the Federal Register.

ARTICLE I—EXPLANATION OF THE SUPPLEMENT

- Sec. 1. Explanation of the supplement.
2. Applicability of Territorial Consumer Goods Regulation No. 1.
3. Definitions.

ARTICLE II—PRICING PROVISIONS

4. Maximum prices for sales at wholesale.
5. Maximum prices for sales at retail.
6. Maximum prices for sets.
7. Provisions of Article II of Territorial Consumer Goods Regulation No. 1 applicable to this supplement.
- 7a. Alternative pricing provisions for articles in inventory.

ARTICLE III—MISCELLANEOUS PROVISIONS

8. Sales invoices.
9. Provisions of Article III of Territorial Consumer Goods Regulation No. 1 applicable to this supplement.
10. Table A Articles covered by this Supplement.

ARTICLE I—EXPLANATION OF THE SUPPLEMENT

SECTION 1. *Explanation of the supplement.* (a) This supplement establishes maximum prices for sales of certain glassware, china, wallets, toys, and other items listed in section 10, Table A, of this supplement which have been imported into the Territory of Hawaii, except the following:

(1) *Used articles.* (These are covered under the General Maximum Price Regulation for the Territory of Hawaii¹ at the wholesale level and by Maximum Price Regulation No. 429² at the retail level.)

(2) *Articles made of "precious metals" or ornamented with "precious stones"* (articles made of "precious metals" are covered by Territorial Consumer Goods Regulation No. 1 Supplement 1); articles ornamented with "precious stones" are excepted from price control as "precious stones" and mountings into which precious stones are set.

(3) *Locally manufactured items* listed in section 10, Table A. (These are covered under the General Maximum Price Regulation for the Territory of Hawaii).

(b) This supplement applies to sales at wholesale and at retail.

(c) This supplement applies throughout the Territory of Hawaii.

(d) This supplement supersedes the provisions of all other Maximum Price Regulations and orders only as to the products listed and the transactions covered.

SEC. 2. *Applicability of Territorial Consumer Goods Regulation No. 1.* The provisions of Territorial Consumer Goods Regulation No. 1 which are applicable to

this supplement are listed by section number in appropriate places in the following provisions and they are just as much a part of this supplement as if they were printed here in full. In addition, "the explanation of the regulation" contained in Territorial Consumer Goods Regulation No. 1 is also a part of this supplement. When any applicable section of Territorial Consumer Goods Regulation No. 1 is amended, the amendment also is applicable to this supplement.

If a particular section of Territorial Consumer Goods Regulation No. 1 is not listed by section number in the following provisions as being applicable to this supplement, it, of course, has no effect here.

SEC. 3. *Definitions.* (a) When used in this supplement, the term:

(1) "Your" refers to any seller subject to this regulation.

(2) "Precious stones" means any ruby, sapphire, emerald, natural pearl, or any diamond (other than an industrial diamond), or any semi-precious stone after sale by the cutter, when the cutter has received more than \$100 for the sale of the stone. Synthetic stones and cultured pearls shall not be deemed "precious stones".

(3) "Precious metals" means platinum, gold, silver, and other metals of greater or similar value and includes plating and alloys of such metals, but does not include chromium, copper, aluminum, brass, pewter, and similar metals, platings or alloys.

(4) A "primary wholesaler" means any person who performs a recognized distributive function by purchasing articles directly from either the mainland importer or the mainland manufacturer thereof, and who sells or delivers them to a secondary wholesaler or to a retailer in accordance with established trade practices.

(5) A "secondary wholesaler" means any person who performs a recognized distributive function by purchasing articles from a primary wholesaler and who sells or delivers them to a retailer in accordance with established trade practices.

(6) An "importer" means any person who is the first consignee in the United States or the Territory of Hawaii of articles imported directly from outside the Continental United States which he sells or delivers to wholesalers, retailers or ultimate consumers.

(7) "Mainland" means the Continental United States.

(8) "Local" means the Territory of Hawaii.

(9) "Foreign exporter" means any person located outside the continental United States who sells or delivers directly to a purchaser located in the Territory of Hawaii.

(10) "Manufacturer's selling price" means the price at which the manufacturer of the article sold and invoiced it f. o. b. factory less all discounts and allowances except discounts for prompt payment up to 2% and before the addition of any premium or other charge permitted under the Second Revised Maximum Export Price Regulation.

¹ 8 F.R. 5307, 6362, 14765, 15586; 9 F.R. 579, 4239, 6238, 6817, 12132, 10 F.R. 2810.
² 9 F.R. 10420, 13716.

(11) "Wholesaler's selling price" means the price appearing on the wholesaler's invoice less all discounts and allowances except discounts for prompt payment up to 2% and before the addition of any premium or other charge permitted under the Second Revised Maximum Export Price Regulation.

(12) "Mainland importer's selling price" means the price at which the mainland importer of the article from outside continental United States sold and invoiced it less all allowable discounts and allowances except discounts for prompt payment up to 2% and before the addition of any premium or other charge permitted under the Second Revised Maximum Export Regulation.

(13) "Net cost" means the amount the buyer paid for the article delivered to his place of business (including transportation and cartage costs, marine and war risk insurance, export and/or import taxes, custom's duties, consular fees, and storage charges incident to delays in shipment (not however to exceed 3 months storage charges)) if such expenses are actually incurred by the buyer less all discounts and allowances, except discounts for prompt payment up to 2% allowed the buyer and before the addition of any premium or other charge permitted under the Second Revised Maximum Export Price Regulation.

(14) A "set" means a combination of two or more items designed to be sold as a unit which have been purchased by the seller as a unit.

(b) The definitions of the following terms set forth in the following sections of Territorial Consumer Goods Regulation No. 1 are applicable to this supplement:

"Person" (section 1.1).
 "Records" (section 1.2).
 "Sale at wholesale" (section 1.3).
 "Sale at retail" (section 1.4).
 "Sell" (section 1.5).
 "To deliver" (section 1.6).
 "Landing cost" (section 1.7).
 "Article" (section 1.8).
 "Adoption of definitions in the Emergency Price Control Act of 1942, as amended" (section 1.9).

ARTICLE II—PRICING PROVISIONS

SEC. 4. Maximum prices for sales at wholesale.

NOTE: Definitions of terms used in this section are listed in section 3 of this supplement.

(a) Your maximum prices for sales at wholesale of any article listed in section 10, Table A, shall be determined as follows:

(1) For out of stock sales of articles purchased from a mainland manufacturer or mainland importer:

First, multiply your manufacturer's or mainland importer's selling price by 1.33 $\frac{1}{3}$. Then, to this amount, add your landing cost. The resulting price is your maximum price.

(2) For sales of articles purchased from a mainland manufacturer or mainland importer but shipped by your supplier directly to the retailer: Multiply your manufacturer's or mainland importer's selling price by 1.20. To this amount add your landing costs actually

incurred by you. The resulting price is your maximum price.

(3) For sales of articles purchased directly from a mainland primary wholesaler, either:

(i) Multiply your supplier's selling price by 1.10. To this amount add your landing cost, or;

(ii) Multiply the manufacturer's selling price by 1.43 $\frac{1}{3}$. To this amount add your landing cost.

The resulting price calculated either under subparagraphs (i) or (ii) above, is your maximum price.

(4) For sales of articles purchased from any mainland wholesaler other than a primary wholesaler or from a local wholesaler whose maximum price is established under subparagraphs (1), (2), or (3), above; your maximum price is your supplier's maximum price. If the article being sold has been purchased from a local wholesaler whose maximum price is established under subparagraphs (1), (2), or (3) above, you must secure a written record of your supplier's maximum price.

(5) For sales of articles purchased by a local importer from a foreign exporter: multiply your net cost by 1.33 $\frac{1}{3}$. The resulting price is your maximum price.

(6) For sales of articles purchased by a local wholesaler from a local importer who has determined his maximum price under subparagraph (5) above:

You must secure a written record of your supplier's maximum price. Your maximum price is your supplier's maximum price.

SEC. 5. Maximum prices for sales at retail.

NOTE: Definitions of terms used in this section are listed in section 3 of this supplement.

(a) Your maximum price for the sale at retail of any article listed in section 10, Table A, shall be determined as follows:

(1) For sales of articles purchased directly from a mainland manufacturer or mainland importer: First, add your manufacturer's or mainland importer's selling price and your landing costs. Then multiply this amount by 2.00. The resulting price is your maximum price.

(2) For sales of articles purchased directly from a mainland primary wholesaler: First, multiply your wholesaler's selling price by 1.75. Then to this amount, add your landing costs. The resulting price is your maximum price.

(3) For sales of articles purchased from a local wholesaler, who has computed his maximum price under section 4 (a) (1) or (2) above: Multiply the manufacturer's or mainland importer's selling price to the wholesaler by 2.33 $\frac{1}{3}$. Then to this amount add your landing cost if the same has been actually incurred by you other than as a part of your supplier's selling price. The resulting price is your maximum price.

(4) For sales of articles purchased from a local wholesaler who has computed his maximum price under section 4 (a) (3) (i), above: Subtract your supplier's landing cost from your supplier's selling price. Then multiply this amount less all discounts and allow-

ances except discounts for prompt payment up to 2% by 1.50. Then add your supplier's landing costs. The resulting price is your maximum price.

(5) For sales of articles purchased from a local wholesaler who has computed his maximum price under section 4 (a) (3) (ii) above: Multiply the manufacturer's selling price by 2.33 $\frac{1}{3}$. To this amount add your landing cost. The resulting price is your maximum price.

(6) For sales of articles purchased from a foreign exporter: Multiply your net cost by 2.00. The resulting price is your maximum price.

(7) For sales of articles purchased from a local importer or wholesaler who has determined his maximum price under section 4 (a) (5) or 4 (a) (6), above: Multiply the local importer's net cost by 2.00. The resulting price is your maximum price.

(8) Any maximum price for sales at retail amounting to \$1.00 or more may be adjusted to the nearest nickel.

SEC. 6. Maximum prices for sets. (a) Maximum prices for sales of articles purchased as sets composed of two or more articles all of which are listed separately in section 10, Table A.

(1) The maximum prices for sales at wholesale and at retail of sets composed of two or more articles all of which are listed separately in section 10, Table A shall be determined under the provisions of sections 4 and 5, above.

(2) Sets, items of which are sold separately. The maximum prices for sales at wholesale and at retail of articles purchased as sets composed of two or more articles separately in section 10, Table A, which the seller wishes to sell separately, shall be determined under the provisions of sections 4 and 5, above, provided that the seller obtains the manufacturer's selling price for each item being sold separately.

In the event that the seller is unable to obtain the manufacturer's selling price for an item being sold separately, he shall apply to the Office of Price Administration, Honolulu 2, T. H., under the provisions of section 2.2 of Territorial Consumer Goods Regulation No. 1 for the determination of his maximum price.

(b) Maximum prices for sales of articles purchased as sets, of which one or more articles are not listed separately in section 10, Table A.

(1) The maximum price for sales at wholesale and retail of sets covered by this supplement of which one or more articles are not listed separately in section 10, Table A, shall be a price determined under the provisions of section 2.2 of Territorial Consumer Goods Regulation No. 1 upon application to the Office of Price Administration, Honolulu 2, T. H., by the seller.

(2) Sets, items of which are sold separately. The maximum price for sales at wholesale, and at retail of articles purchased as sets, of which one or more articles are not listed separately in section 10, Table A, but which the seller wishes to sell separately shall be determined as follows:

If the article sold separately is covered by this supplement, the maximum

price shall be determined under the provisions of sections 4 and 5 above.

If the article sold separately is not covered by this supplement, its maximum price shall be determined under the provisions of the maximum price regulation controlling its sale.

SEC. 7. Provisions of Article II of Territorial Consumer Goods Regulation No. 1 applicable to this supplement. The following provisions of Territorial Consumer Goods Regulation No. 1 are applicable to this supplement:

(a) Maximum prices for articles covered by an applicable supplement which cannot be priced because of the seller's inability to determine his maximum price under the applicable pricing provision contained in such supplement. (Section 2.2).

(b) Application for approval of maximum prices for nationally advertised articles. (Section 2.3).

(c) Application for approval of the manufacturer's established and maintained prices. (Section 2.4).

(d) Maximum prices for assorted job lot merchandise. (Section 2.5).

(e) Maximum prices for certain merchandise purchased for lower than manufacturer's maximum price. (Section 2.6).

(f) Treatment of Federal and Territorial Taxes. (Section 2.7).

(g) Revocation of orders affecting articles covered by this regulation or its supplements. (Section 2.8).

Sec. 7a. Alternative pricing provision for articles in inventory. Every seller of articles covered by this supplement for which an invoice has been received by the first purchaser of such articles in the Territory of Hawaii, dated before April 1, 1945, may, until June 1, 1945, determine his maximum prices for sales of such articles either under the provisions of this Supplement 4 or under the provisions of the General Maximum Price Regulation for the Territory of Hawaii. After June 1, 1945, the maximum prices for all articles covered by this supplement must be determined under the applicable pricing provisions of this supplement, regardless of the date of the invoice to the first purchaser in the Territory of Hawaii.

ARTICLE III—MISCELLANEOUS PROVISIONS

SEC. 8. Sales invoices. In addition to such record-keeping provisions which must be fulfilled under section 9 of this supplement, every person making a sale of any article covered by this supplement, other than at retail, shall furnish the buyer at the time of delivery of the article with a written invoice or sales memorandum, setting forth the manufacturer's selling price, or mainland importer's selling price, as the case may be, the date of sale, the name and address of the buyer and seller, quantity and description of the article sold, manufacturer's lot number and style, the amount of the "landing cost" for such article if paid by the seller, his "net cost" if he determines his maximum price under section 4 (a) (5) or 4 (a) (6), above, the

price paid, charged, or received therefor, and either the retailer's maximum price or the appropriate retail multiple figure as fixed under Article II of this supplement.

SEC. 9. Provisions of Article III of Territorial Consumer Goods Regulation No. 1 applicable to this supplement. The following provisions of Territorial Consumer Goods Regulation are applicable to this supplement:

(a) Compliance with applicable supplement (section 3.1).

(b) Fractional prices for articles sold at wholesale or at retail (section 3.3).

(c) Records which must be kept (section 3.4).

(d) Sales slips and receipts (section 3.5).

(e) Transfers of business or stock in trade (section 3.6).

(f) Adjustable pricing (section 3.7).

(g) Petitions for amendment (section 3.8).

(h) Applications for adjustment (section 3.9).

(i) Effect of wholesaler's statement of manufacturer's selling price or mainland importer's selling price (section 3.10).

SEC. 10. Table A—Articles which have been imported into the Territory of Hawaii covered by this supplement. (a) Personal and household accessories (including articles ornamented with, mounted with, or fitted with "precious metals" or imitations thereof, but does not include items made from "precious metals" or ornamented with "precious stones").

1. Glassware, including:

Ash trays.

Art glassware and specialties.

Bar glassware.

Cigarette boxes.

Cocktail shakers and sets.

Cut glassware.

Decorated glassware.

Engraved glassware.

Etched glassware.

Glass bottles and sets, including:

Baby glass jar sets (empty).

Liquor and decanter sets (empty).

Perfume bottles and sets, powder jars (empty).

Glass novelties.

Table glassware (except institutional, hotel, etc.).

Tumblers.

2. China, including:

Art china.

Household china.

3. Pottery, including only:

Art pottery, such as vases and ash trays.

4. Mirrors:

Hand.

(b) All toys and games (except sporting goods) including:

1. Dolls, doll houses and doll furniture.

2. Games: adult's and children's.

3. Jokes, novelties and jigsaw puzzles.

4. Paint, crayon and water color sets for children other than school supplies.

5. Toy musical instruments and whistles.

6. Adult games including but not limited to such as dice, poker chips, dominoes.

(c) Miscellaneous:

1. Boxes—empty novelty decorative boxes to be sold to the ultimate consumer, such as containers for: Candy, gloves, handkerchiefs, hosiery, lingerie, cleaning tissues.

2. Cases—empty novelty decorative cases to be sold to the ultimate consumer, such as containers for:

Cards.

Cigarettes and cigars (except gold, silver and metal).

Eye-glasses or spectacles.

Sun Goggles cases.

Identification.

Keys.

Rings.

Leather Bond Cases.

3. Lamps, lampshades, including:

Table, floor, desk, wall, bed, hurricane, and other decorative and household lamps, with or without shades, but not including light fixtures.

4. Pictures and picture frames (except photomats, or mats or folders used in photography) including:

Colored photographs and reproduction with or without frames.

5. Ornaments, including:

Artificial Christmas trees.

Biblical scenes and creches.

Electrified ornaments (not including fixtures).

Other holiday decorations, such as Easter, Thanksgiving, etc., which are not covered by any other regulation.

6. Sets: including baby's glass or plastic sets; comb, brush, tray and mirror sets (except gold and silver) bar sets; sets in which one or more of the articles contained in such set are otherwise listed in this Table A.

7. Smoker's articles: (except cigars, cigarettes and tobacco).

Cigar and cigarette cases (except gold, silver and metal).

Cigar and cigarette holders.

All pipes and pipe racks.

Pouches for tobacco.

Pipe cleaners.

Humidors.

8. Trays (except gold and silver):

Ash tray.

Card.

Decorative.

Hostess.

Letter.

Novelty.

9. Unclassified:

Banks—piggy and home-savings.

Brushes—hair and clothes (except those with gold or silver backs).

Candles.

Canes and walking sticks.

Coin purses.

Cork stoppers.

Decorative knockers.

Decorative tile.

Initials (other than gold, silver and cloth).

Letter openers (except precious-stone-trimmed, or gold, silver).

Masks and costumes, including party, cowboy and Indian.

Sun glasses, sun goggles, water goggles.

Wallets, billfolds, and similar items such as key containers, coin purses, key rings, except gold and silver.

10. Cellophane hula skirts and brassieres.

This supplement shall become effective as of April 1, 1945.

NOTE: All record-keeping and reporting requirements of this supplement have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7183; Filed, May 2, 1945;
11:43 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS
[Territorial Consumer Goods Reg. 1, Supp. 2]
CERTAIN IMPORTED SWISS WATCHES SOLD IN
HAWAII

A statement of the considerations involved in the issuance of this supplement, issued simultaneously herewith, has been filed with the Division of the Federal Register.

ARTICLE I—EXPLANATION OF THE SUPPLEMENT
Sec.

1. Explanation of the supplement.
2. Applicability of Territorial Consumer Goods Regulation No. 1.
3. Definitions.

ARTICLE II—PRICING PROVISIONS

4. Maximum prices for sales of imported pin-lever, cylinder, and Roskopf watches.
5. Maximum prices for sales to retailers and at retail of certain models of Rolex, Helbros, Mido and Gruen watches.
6. Provisions of Article II of Territorial Consumer Goods Regulation No. 1.

ARTICLE III—MISCELLANEOUS PROVISIONS

7. Sales invoices.
8. Provisions of Article III of Territorial Consumer Goods Regulation, No. 1.

ARTICLE I—EXPLANATION OF THE SUPPLEMENT

SECTION 1. Explanation of the supplement. (a) This supplement establishes maximum prices for certain Swiss watches which have been imported into the Territory of Hawaii. It covers all sales of imported pin-lever, cylinder, and Roskopf watches and sales to retailers and at retail of certain models of Rolex, Mido, Helbros, and Gruen watches which are listed in section 5. It does not cover sales of any other new watches. New watches other than those listed above are covered by Supplement 1 to Territorial Consumer Goods Regulation No. 1. Second-hand watches are covered by Supplement 3 to Territorial Consumer Goods Regulation No. 1.

(b) This supplement applies to sales at wholesale and at retail.

(c) This supplement applies throughout the Territory of Hawaii.

(d) This supplement supersedes the provisions of all other maximum price regulations and orders only as to the products listed and the transactions covered.

SEC. 2. Applicability of Territorial Consumer Goods Regulation No. 1: The provisions of Territorial Consumer Goods Regulation No. 1 which are applicable to this supplement are listed by section number in appropriate places in the following provisions and they are just as much a part of this supplement as if they were printed here in full. In addition the "Explanation of the regulation" contained in Territorial Consumer Goods Regulation No. 1 is also a part of this supplement. When any applicable section of Territorial Consumer Goods Regulation No. 1 is amended the amend-

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ment also is applicable to this supplement.

If a particular section of Territorial Consumer Goods Regulation No. 1 is not listed by section number in the following provisions as being applicable to this supplement, it, of course, has no effect here.

SEC. 3. Definitions. (a) When used in this supplement, the term:

(1) "Watch" means an encased Swiss watch movement or a Swiss watch movement in either a domestic or an imported case. The term includes watches with special purpose such as Swiss watches with chronographs, but does not include time pieces which are not designed to be carried or worn on the person.

(2) "Imported" means transported into the United States and the Territory of Hawaii.

(b) The definitions of the following terms set forth in the following sections of Territorial Consumer Goods Regulation No. 1 are applicable to this supplement:

"Person" (section 1.1).

"Records" (section 1.2).

"Sale at wholesale" (section 1.3).

"Sale at retail" (section 1.4).

"Sell" (section 1.5).

"To deliver" (section 1.6).

"Article" (section 1.8).

"Adoption of definitions in the Emergency Price Control Act of 1942, as amended" (section 1.9).

ARTICLE II—PRICING PROVISIONS

SEC. 4. Maximum prices for sales of imported pin-lever, cylinder, and Roskopf watches. (a) The maximum prices for sales of pin-lever, cylinder, and Roskopf watches in the Territory of Hawaii shall be as follows:

IMPORTED PIN-LEVER, CYLINDER, AND ROSKOPF WATCHES

Description of watches	Importers prices to wholesalers		Importers prices to retailers		Wholesalers prices to retailers		Retail ceiling price	
	\$ $\frac{3}{4}$ ligne and over	Under \$ $\frac{3}{4}$ ligne	\$ $\frac{3}{4}$ ligne and over	Under \$ $\frac{3}{4}$ ligne	\$ $\frac{3}{4}$ ligne and over	Under \$ $\frac{3}{4}$ ligne	\$ $\frac{3}{4}$ ligne and over	Under \$ $\frac{3}{4}$ ligne
1. Pin-lever, cylinder, and Roskopf watches with 3 jewels or less, in either non-waterproof or waterproof cases.	\$3.03	\$4.63	\$4.25	\$5.00	\$4.57	\$5.38	\$8.50	\$10.00
2. Roskopf and cylinder watches with 4-10 jewels in non-waterproof cases.	5.32	6.01	5.75	6.50	6.18	6.99	11.50	13.00
3. Pin-lever watches with 4-10 jewels in non-waterproof cases.	6.24	6.94	6.75	7.50	7.26	8.06	13.50	15.00
4. Roskopf and cylinder watches with 4-10 jewels in waterproof cases.	6.94	7.63	7.50	8.25	8.06	8.87	15.00	16.50
5. Pin-lever watches with 4-10 jewels in waterproof cases.	7.86	8.56	8.50	9.25	9.14	9.94	17.00	18.50
6. Pin-lever, cylinder and Roskopf watches with 11 or more jewels in non-waterproof cases.	8.09	8.79	8.75	9.50	9.41	10.21	17.50	19.00
7. Pin-lever, cylinder, and Roskopf watches with 11 or more jewels in waterproof cases.	9.71	10.41	10.50	11.25	11.29	12.09	21.00	22.50

The prices set forth in the above tables are for sales of watches in all types of cases except "gold" cases. For the purpose of this section, a "gold" case is (1) an imported case on which the duty applicable to part or all gold cases has been paid as required by the Bureau of Customs of the Department of the Treasury or (2) any domestic case in part or all of gold. For watches in "gold" cases the following sums may be added to the maximum prices set forth in the above table:

For sales by importers to wholesalers, add.....	\$0.925
For sales by importers to retailers, add.....	1.00
For sales by wholesalers, add.....	1.075
For sales at retail, add.....	2.00

(b) The prices listed above in paragraph (a) are for sales of complete watches including the strap or bracelet in the case of wrist watches, and the fob or pin in the case of fob or lapel watches. They are f. o. b. the seller's point of shipment in the Territory of Hawaii.

No charge in addition to the maximum prices listed may be made on account of any box in which the watch may be contained.

The maximum prices listed include import duties, but they do not include Federal excise taxes. As to any tax upon the sale or delivery of such a watch imposed by any statute of the United States or statute or ordinance of the Territory of Hawaii or subdivision thereof, if the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

The prices listed under "wholesalers' prices to retailers" are the maximum prices for all sales by all persons other than the importer to purchasers for resale.

(c) *Retail price tags.* No importer, wholesaler or retailer shall sell or deliver any pin-lever, cylinder or Roskopf watch unless the retail price tag described below is attached to it. If you are a retailer and do not know the ceiling price

for any untagged watch, you must obtain such information from your supplier.

The tag must be durable and must be securely attached to each watch. It must contain in easily readable lettering a statement of the type of movement (i. e., whether a pin-lever, cylinder or Roskopf), the number of jewels, either the size of the movement expressed in lignes or a statement that the size of the movement is under 8 $\frac{3}{4}$ lignes or 8 $\frac{3}{4}$ lignes or over, and the retail ceiling price exclusive of tax. The ceiling price for the watches in "waterproof" or "gold" cases may not be charged unless the tag so indicates. The type of movement may be stated by using the symbols "PL" for pin-lever, "C" for cylinder, and "R" for Roskopf. The words "jewel" and "ligne" may be abbreviated to "J" and "L". The word "waterproof" may be abbreviated to "W". If the case contains gold, the tag may contain the symbol commonly used in trade to designate that type of gold metal, for example, "RGP" may be used to designate "rolled gold plate" and "GF" to designate "gold filled." The tag may not be removed until the watch has been sold to the retail purchaser.

A tag in the following form will be sufficient:

4J over 8 $\frac{3}{4}$ L, PL, W—Retail ceiling exclusive tax, \$17 "Guaranteed" (or "Not Guaranteed".)

(d) *Notification.* If you sell pin-lever cylinder or Roskopf watches to purchasers buying for resale, you must notify in writing every such purchaser, at the time of the first shipment to him, of the maximum prices set by this paragraph. You must also notify the purchaser that the tag which is attached to each watch may not be removed until the watch has been delivered to the retail purchaser.

SEC. 5. *Maximum prices for sales to retailers and at retail of certain models of Rolex, Mido, Helbros, and Gruen watches.* (a) The maximum prices for sales of the Rolex, Mido, Helbros, and Gruen watches listed and identified below shall be as follows:

(1) *Rolex watches (imported by the Rolex Watch Co., Inc., 580 Fifth Ave., New York, N. Y.).*

Rolex model No.	Maximum prices to retailers	Maximum retail prices including Federal excise tax
4270.....	\$66.64	\$144.00
4304.....	55.82	120.60
4038.....	44.28	95.75
4272.....	104.43	225.50
4273.....	95.43	206.25
4273 (gold).....	110.93	239.60
4208.....	109.13	235.75
4319.....	112.06	242.00
3358/3.....	71.37	154.25
4270.....	114.76	248.00
4270 (SS).....	114.88	248.25
4139.....	89.50	193.60
4211.....	47.00	101.25
4219.....	39.00	84.25
4222.....	100.00	216.00
4222 (gold).....	115.00	248.60
4224.....	36.00	77.75
4291.....	65.00	118.60

Rolex model No.	Maximum prices to retailers	Maximum retail prices including Federal excise tax
4315.....	\$39.75	\$85.75
4316.....	53.25	115.25
2764/5.....	57.50	139.00
2764/3.....	51.50	122.75
2940/1.....	51.50	122.75
2940/2.....	58.50	141.75
4220/2.....	37.70	87.25
4220/1.....	36.70	84.50
4307.....	108.35	235.00
3139/2.....	41.54	93.75
3359/5.....	55.50	123.25
3359/2.....	93.00	189.00
3121/6.....	51.50	114.50
3359/6.....	46.50	103.50
3121/8.....	50.60	112.00
3869/2.....	116.60	252.00
2595/3.....	100.25	215.25
2595/7.....	100.25	215.25
2595/9.....	100.25	215.25
3009/8.....	104.00	223.50
3009/7.....	121.25	261.00
3116/5.....	102.25	222.00
3116/7.....	103.25	223.50
3116/9.....	103.25	223.50
3116/12.....	119.15	258.00
3116/13.....	121.75	262.00
3130/1.....	113.80	234.50
3131/3.....	114.60	240.00
3492.....	39.50	92.75
3767/2.....	61.00	147.25
3696.....	107.50	229.50
3777/1.....	103.45	220.00
3777/2.....	124.04	264.00
3372/3.....	118.00	255.00
3009/8.....	104.00	224.25
3065/2.....	92.00	200.00
3132.....	79.50	168.75
3372/5.....	79.50	169.75
3067.....	82.25	177.75
3133/3.....	110.00	244.00
2595/5.....	98.75	201.25
3009/2.....	105.25	223.00
3121/5.....	101.75	213.00
3131/4.....	145.00	301.75
2595/2.....	107.50	225.75
2595/8.....	118.25	231.00
2595/4.....	118.25	231.00
3131/5.....	147.25	304.50
4220/3.....	49.00	110.00
4302/2.....	75.25	160.00
3725/1.....	110.00	244.00
4221/1.....	100.00	216.00
4221/2.....	115.00	248.00
3372/7.....	68.75	156.00
3130/4.....	142.75	296.50
3372/4A.....	134.50	287.50
3372/4B.....	138.00	291.50
3458/3.....	116.00	246.00
3458/5.....	133.25	284.00
3894.....	75.25	162.50

(2) *Mido watches (imported by the Mido Watch Co. of America, Inc., 665 Fifth Ave., New York, N. Y., or its authorized distributors).*

Style name	Maximum prices to retailers	Maximum retail prices including Federal excise tax
Multifort superautomatic:		
Beaumont.....	\$43.95	\$120.00
Boone.....	21.45	42.50
Cromwell.....	46.45	120.00
Decatur.....	33.95	92.50
Farragut.....	28.45	62.50
Gladstone.....	24.45	55.00
Halifax.....	104.50	240.00
Huxley.....	102.50	234.50
Kitchener.....	24.45	49.50
Marquette.....	26.45	60.00
Revere.....	32.45	81.75
Rhodes.....	30.45	67.50
Rogers.....	34.45	87.25
Runsey.....	48.45	125.00
Willoughby.....	35.95	98.00
Men's multifort:		
Multicenter chronograph.....	57.50	140.00
Balboa.....	25.95	62.50
Boyle.....	30.95	81.75
Bancroft.....	29.45	70.00
Bristol.....	29.45	67.50
Candor.....	34.95	82.50
Dunlap.....	24.95	57.50
Emmons.....	22.95	52.50

Style name	Maximum prices to retailers	Maximum retail prices including Federal excise tax
Endicott.....	\$28.95	\$67.50
Fletcher.....	25.45	62.50
Harding.....	46.45	120.00
Harrison.....	48.45	125.00
Hospital.....	20.95	47.50
Klondike.....	20.25	39.50
Mackenzie.....	39.25	100.00
Renshaw.....	32.95	87.25
Rodman.....	23.45	52.00
Doran.....	20.95	45.00
Barton.....	23.95	57.50
Forest.....	25.45	60.00
Calvin.....	45.00	120.00
Carnegie.....	45.00	120.00
Colby.....	25.95	60.00
Creighton.....	45.00	120.00
Edward.....	40.00	109.00
Erskine.....	40.00	109.00
Ferris.....	40.00	109.00
Fordham.....	40.00	109.00
Hastings.....	45.00	109.00
Hobart.....	25.95	60.00
Lawrence.....	40.00	109.00
Linfield.....	40.00	109.00
Loyola.....	25.95	60.00
Rice.....	25.95	60.00
Stanford.....	60.00	163.50
Temple.....	40.00	109.00
Wayne.....	25.95	60.00
Yale.....	40.00	109.00
York.....	40.00	109.00
Breton.....	25.95	60.00
Byron.....	25.95	60.00
Regis.....	25.95	60.00
Cooper.....	45.00	120.00
Ladies' multifort:		
Anita.....	25.95	57.50
Clinic.....	22.95	52.50
Christina.....	28.45	65.00
Elena.....	23.95	52.50
Francesca.....	26.45	60.00
Marianna.....	30.45	70.00
Mercer.....	34.45	87.25
Montclair.....	24.95	55.00
Pallas.....	32.95	81.75
Santa Rosa.....	49.95	136.25
Santa Ynez.....	30.95	81.75
Wendy.....	28.45	65.00
Ladies' watches:		
Adrian.....	52.50	136.25
Agnes Scott.....	62.50	136.25
Aurora.....	32.50	81.75
Barnard.....	32.50	92.50
Berthe.....	32.50	70.00
Blanche.....	32.50	70.00
Bluet.....	32.50	70.00
Brigette.....	32.50	70.00
Dana.....	42.50	109.00
Edna.....	54.95	135.00
Elmira.....	32.50	81.75
Hood.....	34.50	92.50
Hollins.....	28.25	67.50
Hope.....	70.00	174.50
Hunter.....	40.00	120.00
Jacqueline.....	52.50	125.00
Judson.....	28.25	67.50
Ladycliff.....	45.00	120.00
Lander.....	28.25	67.50
Lindenwood.....	28.25	67.50
Marguerite.....	54.95	125.00
Marie.....	54.95	125.00
Marietta.....	45.00	120.00
Marion.....	28.25	67.50
Marygrove.....	32.50	92.50
Maryland.....	90.00	218.00
Meredith.....	28.25	67.50
Pauline.....	54.95	125.00
Pierrette.....	54.95	125.00
Queens.....	28.25	67.50
Radeliffe.....	47.50	125.25
Rivier.....	85.00	207.25
Rosemont.....	32.50	92.50
Rutgers.....	32.50	81.75
Skidmore.....	45.00	120.00
Thiel.....	70.00	174.50
Trinity.....	47.50	125.25
Ursuline.....	34.50	92.50
Vassar.....	45.00	109.00
Wellesley.....	47.50	125.25
Wesleyan.....	28.25	67.50
Pocket watches:		
Charles.....	16.95	37.50
Walter.....	16.95	37.50
William.....	16.95	37.50
Wilson.....	69.45	168.50
Wilson (with gold dial).....	73.45	180.00
Whitman.....	67.50	160.00
Whitman (with figure dial).....	72.00	174.50
Woodmere.....	12.45	29.75

(3) Helbros watches (imported by the Helbros Watch Co., 6 West 48th St., New York, N. Y.)

Series	Size	Jewels	Case	Attachment	Maximum price to retailers	Maximum retail price including Federal excise tax
42060	11 1/2 L	7	Steel back	Strap	\$8.95	\$19.75
4500	11 1/2 L	7	do	do	9.80	22.50
71000	8 3/4 L	7	do	do	10.45	24.75
41000	11 1/2 L	17	do	do	11.75	27.50
46000	11 1/2 L	17	do	do	12.95	29.75
51000	10 3/4 L	17	do	do	13.95	33.75
46002	11 1/2 L	17	Rolled gold plate	do	13.95	33.75
51002	11 1/2 L	17	do	do	13.95	33.75
4000X	11 1/2 L	17	Steel back	Expansion bracelet	17.45	39.75
51000X	10 3/4 L	17	do	do	17.45	39.75
72000	8 3/4 L	17	Steel back	Strap	13.80	33.75
75000	8 x 9	17	do	do	13.80	33.75
72002	8 3/4 L	17	Rolled gold plate	Strap	14.80	37.50
75002	8 x 9	17	do	do	14.80	37.50
72002	8 3/4 L	17	Gold filled	do	17.80	45.00
75002	8 x 9	17	do	do	17.80	45.00
72000X	8 3/4 L	17	Steel back	Expansion	18.30	45.00
75000X	8 x 9	17	do	do	18.30	45.00
72002X	8 3/4 L	17	Rolled gold plate	do	19.30	47.50
75002X	8 x 9	17	do	do	19.30	47.50
72002X	8 3/4 L	17	Gold filled	do	22.30	57.50
75002X	8 x 9	17	do	do	22.30	57.50
51802X	10 3/4 L	17	Steel	Strap	22.75	57.50
62588 SS	8 3/4 L	17	do	do	22.75	57.50
Aux Winding	8 x 9	17	do	do	22.75	57.50
65088	8 x 9	17	do	do	22.75	57.50
65188	8 x 9	17	do	do	22.75	57.50
65288	8 x 9	17	do	do	22.75	57.50
61000	8 3/4 L	7	do	C. c. cord	9.35	19.75
61002	8 3/4 L	7	RGP	do	10.10	22.50
71000LC	8 3/4 L	7	Steel back	do	9.85	19.75
71002LC	8 3/4 L	7	RGP	do	10.60	22.50
86000C	6 x 8	7	Steel back	do	9.90	22.50
86000B	6 x 8	7	do	Bracelet	10.40	24.75
72000LC	8 3/4 L	17	do	Cord	11.60	24.75
72000LB	8 3/4 L	17	do	Bracelet	12.95	27.50
85000	6 x 8	17	do	do	13.75	33.75
85002	6 x 8	17	RGP	do	14.55	37.50
85002	6 x 8	17	Gold filled	do	15.75	42.50
85002	6 x 8	17	14K gold	Cord	16.55	45.00
85004	6 x 8	17	14K gold (High Crystal)	do	17.75	47.50
93062	6 x 8	17	Gold filled	do	18.95	49.75
96004	6	17	14K gold	do	18.95	49.75
93904	6	17	do	do	23.95	57.50
93228	10 3/4-11 1/2	17	Steel	Strap	15.75	37.50
92088	10 3/4-11 1/2	17	do	do	18.95	45.00
92488	10 3/4-11 1/2	17	do	do	21.90	49.75
92588	10 3/4-11 1/2	17	do	do	24.95	57.50
92588A	10 3/4-11 1/2	17	do	do	24.95	57.50
46804	11 1/2	17	14K gold	do	36.75	87.50
46834	11 1/2	17	do	do	42.15	100.00
46284	11 1/2	17	do	do	55.18	125.00
90724	5	17	do	Cord	28.50	69.75

(4) Gruen watches (imported by the Gruen Watch Co., Time Hill, Cincinnati, Ohio).

Style name	Maximum price to retailers (Keystone list price) ¹	Maximum retail price including Federal excise tax
Adrian	\$37.30	\$62.50
Aldrich	33.90	42.50
Amelia	45.30	55.00
Annabelle	41.30	49.75
Annette	50.30	62.50
Arcadia	53.30	55.00
Athena	50.30	67.50
Atherton	55.30	62.50
Avalon	55.30	55.00
Avery	28.90	33.75
Anniversary	500.00	500.00
Barbara	53.30	59.50
Barnard	39.30	45.00
Bazar	41.30	49.75
Belvedere	131.30	165.00
Benson	25.90	24.75
Bernice	69.30	82.50
Bertha	57.30	62.50
Blaine	47.30	42.50
Blair	29.00	29.75
Bradford	42.90	49.75
Brenda	50.30	67.50
Brighton	63.30	59.50
Brockway	51.30	59.50
Browning	32.00	33.75
Cecile	45.30	55.00
Chantilly	47.30	57.50
Clermont	59.30	67.50
Courtney	35.10	42.50
Crocket	55.30	62.50
Curtis	29.00	24.75
Curvex Adjutant	77.30	105.00

Style name	Maximum price to retailers (Keystone list price) ¹	Maximum retail price including Federal excise tax
Curvex Alderman	\$58.30	\$82.50
Curvex Baroness	45.40	49.75
Curvex Campus	46.90	59.50
Curvex Captain	53.30	59.55
Curvex Cavalcade	56.30	67.50
Curvex Centennial	56.30	67.50
Curvex Centurion	51.30	55.00
Curvex Chevron	44.90	49.75
Curvex Churchill	53.30	67.50
Curvex Citadel	56.30	67.50
Curvex Collegian	51.30	55.00
Curvex Colonel	56.30	67.50
Curvex Commander	58.30	82.50
Curvex Commodore	58.30	82.50
Curvex Companion	81.30	110.00
Curvex Consort	49.40	55.00
Curvex Convoy	53.30	59.50
Curvex Countess	45.40	47.50
Curvex Crescent	49.40	59.50
Curvex Crown	75.30	92.50
Curvex Cruiser	75.30	92.50
Curvex Duchess	49.40	55.00
Curvex Earl	46.90	55.00
Curvex Emperor	51.90	67.50
Curvex Knight	53.30	67.50
Curvex Lieutenant	51.30	59.50
Curvex Lord	51.90	67.50
Curvex Marshall	58.30	82.50
Curvex Regent	46.90	55.00
Curvex Royalty	53.30	67.50
Curvex Sentry	51.30	55.00
Curvex Trooper	51.30	59.50
Dartmouth	32.00	37.50
Dexter	31.10	37.50
Dolores	55.30	59.50
Doris	41.30	49.75
Essex	34.30	39.75

Style name	Maximum price to retailers (Keystone list price) ¹	Maximum retail price including Federal excise tax
Ethel	\$55.30	\$89.50
Eunice	53.30	55.00
Evelyn	39.30	45.00
Faraday	35.10	45.00
Francine	41.30	49.75
Geraldine	34.30	45.00
Gladys	41.30	49.75
Granada	36.30	49.75
Henrietta	25.60	24.75
Hilda	27.60	27.50
Jeanne	39.30	45.00
Juno	53.30	59.50
Kathleen	57.30	59.50
Kennedy	32.10	37.50
Kent	35.10	42.50
Langley	39.90	45.00
Larchmont	157.30	190.00
Labelle	65.30	82.50
Lawrence	46.90	55.00
Lincoln	33.00	33.75
Logan	30.00	29.75
Lorraine	59.30	62.50
Lucian	34.00	37.50
Lurlene	61.30	62.50
Marcene	57.30	59.50
Marian	53.30	59.50
Mentone	53.30	67.50
Millicent	53.30	59.50
Monticello	39.30	45.00
Montrose	39.30	45.00
Moritz	65.30	82.50
Naples	51.30	55.00
Nassau	180.30	220.00
Navarre	59.30	67.50
Newport	27.60	27.50
Norma	25.60	24.75
Number 253 (W. P.) 2054	40.10	47.50
Number 253 (W. P.) 2055-6	41.10	49.75
Number 253 (W. P.) 2152	38.10	42.50
Number 253 (W. P.) 2156	39.10	45.00
Number 255-2054	39.10	45.00
Number 255-2055	40.10	47.50
Number 255-2154	37.10	42.50
Number 257	99.90	119.50
Number 258	110.00	135.00
Number 448—silver dial	87.90	100.00
Number 448—gold dial	93.90	110.00
Number 448—gold dial, lea. strap	95.90	110.00
Number 503—silver dial	81.90	82.50
Number 503—applied dial	91.90	92.50
Number 504—black dial	85.90	97.50
Number 504—applied dial	95.90	110.00
Number 505—silver dial	87.90	110.00
Number 505—applied dial	97.90	119.50
Number 506—enamel dial	83.90	92.50
Number 506—applied dial	93.90	100.00
Number 507—enamel dial	81.90	82.50
Number 507—applied dial	91.90	92.50
Number 519—enamel dial	81.90	82.50
Number 519—applied dial	91.90	92.50
Number 6016/2	125.90	150.00
Number 6294/2—silver dial	115.90	135.00
Number 6294/2—pink dial	119.90	135.00
Number 6296	153.90	165.00
Number 6343	153.90	165.00
Number 6345/2—applied dial	119.90	135.00
Number 6375—silver dial	109.90	125.00
Number 6375—applied dial	119.90	135.00
Payne	29.00	27.50
Pendleton	30.90	37.50
Powell	35.90	42.50
Radcliffe	53.30	55.00
Rochelle	51.30	52.50
Roland	39.30	49.75
Rutgers	39.90	45.00
Senorita	47.30	49.75
Sheffield	45.30	55.00
Shirley	67.30	82.50
Stanford	31.10	33.75
Stetson	31.10	33.75
Stuart	30.00	29.75
Syraeuse	35.10	39.75
Theresa	51.30	52.50
Thorpe	31.10	33.75
Tronville	69.30	92.50
Valerie	69.30	82.50
Veri-Thin Adams	37.00	45.00
Veri-Thin Air Hawk	41.20	55.00
Veri-Thin Air Lark	38.40	45.00
Veri-Thin Airman	35.10	37.50
Veri-Thin Airport	33.00	37.50
Veri-Thin Airway	31.00	33.75
Veri-Thin Alan	33.10	37.50
Veri-Thin Albrook	34.30	39.75
Veri-Thin Annapolis (W.P.)	37.10	42.50
Veri-Thin Apollo	40.20	55.00
Veri-Thin Archer	35.00	39.75
Veri-Thin Argyle	38.10	45.00
Veri-Thin Ariel	36.30	45.00
Veri-Thin Arlen	34.30	37.50
Veri-Thin Arrow	31.00	33.75
Veri-Thin Ascot	35.00	39.75
Veri-Thin Ashley	36.30	42.50
Veri-Thin Associate	42.20	55.00
Veri-Thin Banner	31.00	33.75

See footnote at end of table.

Style name	Maximum price to retailers (Keystone list price) ¹	Maximum retail price including Federal excise tax	Style name	Maximum price to retailers (Keystone list price) ¹	Maximum retail price including Federal excise tax	Style name	Maximum price to retailers (Keystone list price) ¹	Maximum retail price including Federal excise tax
Veri-Thin Barrister	\$39.30	\$47.50	Veri-Thin Glamour	\$74.20	\$97.50	Veri-Thin Practitioner	\$35.10	\$39.75
Veri-Thin Beacon	36.40	45.00	Veri-Thin Glider (W. P.)	36.10	42.50	Veri-Thin Preview	34.30	39.75
Veri-Thin Bond	31.00	33.75	Veri-Thin Gloria	31.10	33.75	Veri-Thin Princess	33.10	37.50
Veri-Thin Broadway	31.20	33.75	Veri-Thin Grace (F. G.)	31.10	33.75	Veri-Thin Princeton	34.10	39.75
Veri-Thin Brocade	70.10	87.50	Veri-Thin Grace (G. F.)	32.10	33.75	Veri-Thin Ramona	25.30	45.00
Veri-Thin Brookline	40.40	49.75	Veri-Thin Graduate	36.30	42.50	Veri-Thin Ranger	41.20	65.00
Veri-Thin Brooks	32.00	37.50	Veri-Thin Grandview	31.10	37.50	Veri-Thin Ranger (W. P.)	38.10	49.75
Veri-Thin Cadence	31.10	33.75	Veri-Thin Greta	33.30	39.75	Veri-Thin Rhodes	65.20	82.50
Veri-Thin Cadet	32.00	33.75	Veri-Thin Guardsman	38.10	45.00	Veri-Thin Rickenbacker	35.10	39.75
Veri-Thin Camargo	41.20	55.00	Veri-Thin Hampton	38.40	47.50	Veri-Thin Rickenbacker (B.)	34.10	42.50
Veri-Thin Cambridge	55.10	62.50	Veri-Thin Helmsman	34.10	39.75	Veri-Thin Riviera	86.30	105.00
Veri-Thin Carlton	37.00	42.50	Veri-Thin Helpmate	33.30	33.75	Veri-Thin Rose Marie	95.30	125.00
Veri-Thin Cascade	24.30	29.75	Veri-Thin Hollywood	38.30	45.00	Veri-Thin Samaritan	37.30	39.75
Veri-Thin Celestine	34.30	42.50	Veri-Thin Hopkins	40.40	49.75	Veri-Thin Satellite	57.30	67.50
Veri-Thin Challenger	34.00	37.50	Veri-Thin Host	31.20	29.75	Veri-Thin Scientist	42.10	49.75
Veri-Thin Charm	33.10	37.50	Veri-Thin Huntsman	35.20	45.00	Veri-Thin Scout (W. P.)	37.10	39.75
Veri-Thin Chase	32.10	33.75	Veri-Thin Imperial	55.30	67.50	Veri-Thin Sentinel	32.00	37.50
Veri-Thin Chesterton	45.20	59.50	Veri-Thin Interne	33.10	39.75	Veri-Thin Shadow	33.10	42.50
Veri-Thin Chesterton "B"	37.00	42.50	Veri-Thin Jewel	55.30	62.50	Veri-Thin Shipmate (W. P.)	38.10	42.50
Veri-Thin Chilton	48.20	67.50	Veri-Thin Joan (F. G.)	31.10	29.75	Veri-Thin Skipper	35.20	33.75
Veri-Thin Claire	33.10	39.75	Veri-Thin Joan (G. F.)	32.10	29.75	Veri-Thin Sky Cadet (W. P.)	37.10	47.50
Veri-Thin Claudette	35.30	45.00	Veri-Thin Knox (W. P.)	35.10	39.75	Veri-Thin Spartan	36.00	42.50
Veri-Thin Colby	33.30	42.50	Veri-Thin Lakehurst	35.00	39.75	Veri-Thin Specialist	37.10	42.50
Veri-Thin Colleen	67.30	67.50	Veri-Thin Lancer	40.20	49.75	Veri-Thin Speedway	37.20	47.50
Veri-Thin Colonial	33.10	39.75	Veri-Thin Larkspur	31.10	33.75	Veri-Thin Sportsman (W. P.)	37.10	39.75
Veri-Thin Comet (metal brace)	34.00	39.75	Veri-Thin LaSalle	45.20	50.50	Veri-Thin Sprite	34.30	39.75
Veri-Thin Comet (strap)	32.00	33.75	Veri-Thin Laurel	34.30	37.50	Veri-Thin Spur	35.00	45.00
Veri-Thin Constance	31.10	33.75	Veri-Thin Laurella	33.10	37.50	Veri-Thin Squire	36.00	42.50
Veri-Thin Coquette	26.30	45.00	Veri-Thin Leader	31.00	33.75	Veri-Thin Starlight	31.10	33.75
Veri-Thin Cordele	33.10	37.50	Veri-Thin Lexington (W. P.)	33.00	33.75	Veri-Thin Stewardess	34.30	39.75
Veri-Thin Coronet	46.30	59.50	Veri-Thin Louise	33.10	39.75	Veri-Thin Summit	36.30	42.50
Veri-Thin Culver (W. P.)	42.10	49.75	Veri-Thin Lucinda	33.30	33.75	Veri-Thin Sutton	57.10	67.50
Veri-Thin Dart	31.00	33.75	Veri-Thin Luella (F. G.)	31.10	42.50	Veri-Thin Taperflow	34.10	39.75
Veri-Thin Defender (W. P.)	44.10	55.00	Veri-Thin Luella (G. F.)	32.10	42.50	Veri-Thin Tara	30.10	37.50
Veri-Thin DeLuxe	85.30	92.50	Veri-Thin Lyric	31.10	29.75	Veri-Thin Technician	37.20	45.00
Veri-Thin Deway (W. P.)	37.10	47.50	Veri-Thin Madison	36.20	45.00	Veri-Thin Tiara	74.30	97.50
Veri-Thin Diplomat	33.10	42.50	Veri-Thin Majesty	85.20	119.50	Veri-Thin Time Hill	40.10	45.00
Veri-Thin Director	38.30	39.75	Veri-Thin Marathon	31.00	33.75	Veri-Thin Times Square	39.30	49.75
Veri-Thin Dix (W. P.)	38.00	47.50	Veri-Thin Marcus	35.20	45.00	Veri-Thin Touchdown	40.20	49.75
Veri-Thin Dorchester	36.20	45.00	Veri-Thin Marine (W. P.)	39.10	47.50	Veri-Thin Triumph	35.20	37.50
Veri-Thin Dream	34.30	37.50	Veri-Thin Mariner (W. P.)	119.90	150.00	Veri-Thin Varsity	34.10	39.75
Veri-Thin Dunbar	35.00	39.75	Veri-Thin Marksman (W. P.)	40.10	49.75	Veri-Thin Verve	31.10	33.75
Veri-Thin Eagle	35.10	42.50	Veri-Thin Master	34.10	37.50	Veri-Thin Viceroy	63.10	82.50
Veri-Thin Echo	31.10	29.75	Veri-Thin Mayo	31.30	29.75	Veri-Thin Victoria	35.30	42.50
Veri-Thin Eclipse	35.00	42.50	Veri-Thin Medallion	39.10	49.75	Veri-Thin Victory	95.30	105.00
Veri-Thin Eldridge	45.20	59.50	Veri-Thin Melody (F. G.)	35.30	42.50	Veri-Thin Viking (W. P.)	35.10	39.75
Veri-Thin Elvira	31.10	37.50	Veri-Thin Melody (G. F.)	36.30	42.50	Veri-Thin Violet	33.10	33.75
Veri-Thin Enchantress	53.10	59.50	Veri-Thin Minerva (F. G.)	33.30	42.50	Veri-Thin Vogue	34.30	39.75
Veri-Thin Encore	33.10	33.75	Veri-Thin Minerva	34.30	42.50	Veri-Thin Washington (W. P.)	35.10	39.75
Veri-Thin Ernestine	31.10	37.50	Veri-Thin Monarch	75.20	105.00	Veri-Thin Wellesley	31.10	39.75
Veri-Thin Excel	36.20	39.75	Veri-Thin Monroe	40.20	49.75	Veri-Thin Whirl	32.00	39.75
Veri-Thin Executive	41.30	55.00	Veri-Thin Moonbeam	33.10	37.50	Veri-Thin Whitehall	34.10	45.00
Veri-Thin Fairway	67.20	92.50	Veri-Thin Musketeer	39.10	49.75	Veri-Thin Winsome	33.30	37.50
Veri-Thin Falcon	37.10	45.00	Veri-Thin Nancy	33.30	39.75	Veri-Thin Yale	33.10	39.75
Veri-Thin Farragut (W. P.)	35.10	42.50	Veri-Thin Navigator (W. P.)	39.10	47.50	Veri-Thin Yardley	33.30	39.75
Veri-Thin Fashion (F. G.)	33.30	39.75	Veri-Thin Neptune	42.10	49.75	Veri-Thin Yeoman (W. P.)	35.10	39.75
Veri-Thin Fashion (G. F.)	34.30	39.75	Veri-Thin Nomad	35.10	42.50	Veri-Thin Zephyr	38.20	49.75
Veri-Thin Fawn	33.10	42.50	Veri-Thin Overture	35.30	45.00	Wales	37.00	42.50
Veri-Thin Fifth Avenue	41.30	49.75	Veri-Thin Pennant	39.10	49.75	Wayne	42.90	49.75
Veri-Thin Fleetwing	36.00	42.50	Veri-Thin Perkins	34.30	37.50	Yvonne	47.30	59.50
Veri-Thin Fordham	40.20	49.75	Veri-Thin Petite (F. G.)	31.10	33.75			
Veri-Thin Foster	33.10	39.75	Veri-Thin Petite (G. F.)	32.10	33.75			
Veri-Thin Fulton	45.20	59.50	Veri-Thin Plaza	39.10	49.75			
Veri-Thin Gertrude	33.10	42.50	Veri-Thin Portia	33.30	37.50			

¹ The above maximum prices to retailers are subject to the Keystone discount customary in the jewelry trade.

(b) *Notification.* Any person who sells the watches listed in paragraph (a) above to a purchaser for resale shall furnish the purchaser with a copy of a price list incorporating the prices listed above for the watches of the same trade name as the watch or watches being sold. For example, if your purchaser for resale buys the Gruen watch having the style name of "Curvex Crown", you must also furnish him with a price list incorporating all the prices listed in paragraph (a) (4), above.

(c) *Tagging.* Any person who sells a watch listed in paragraph (a) above, shall include with each watch covered by that paragraph delivered to a retailer, a tag or label setting forth the style name or number of the particular watch. This tag or label must not be removed until the watch is sold to an ultimate consumer.

SEC. 6 Provisions of Article II or Territorial Consumer Goods Regulation No. 1 applicable to this supplement. The fol-

lowing provisions of Territorial Consumer Goods Regulation No. 1 are applicable to this supplement:

(a) Maximum prices for commodities covered by an applicable supplement which cannot be priced because of the seller's inability to determine his maximum price under the applicable pricing provision contained in such supplement (section 2.2).

(b) Revocation of orders affecting articles covered by this regulation or its supplements (Section 2.8).

ARTICLE III—MISCELLANEOUS PROVISIONS

SEC. 7. Sales invoices—(a) *Wholesalers.* A wholesaler must furnish each purchaser of watches for resale with an invoice or a similar written evidence of purchase showing the date of sale, the name and address of both buyer and seller; the brand or importer's name, the style or a description of each watch including the type of movement, the number of jewels, the size of the move-

ments, the type and quality of the case and attachment, the quantity of each style of watch sold, the maximum wholesale price and the price charged or received for each watch. The following statement must also appear on each invoice:

NOTICE OF OPA CEILING PRICES

These prices do not exceed our maximum prices under Supplement 2 to Territorial Consumer Goods Regulation No. 1. The maximum price for any sale of these watches to purchasers for resale are indicated on this invoice.

(b) *Retailers.* A retailer who customarily gave a customer a sales slip, receipt or similar evidence of purchase must continue to do so. Upon request all retailers must give a receipt showing the date, name and address of both buyer and seller, a statement that the watch sold is new and not second-hand, a statement of the type of movement (i. e.,

whether pin-lever, cylinder or Roskopf), the number of jewels, the type and quality of case, and the price charged or received.

SEC. 8 *Provisions of Article III of Territorial Consumer Goods Regulation No. 1 applicable to this supplement.* The following provisions of Territorial Consumer Goods Regulation No. 1 are applicable to this supplement:

- (a) Compliance with applicable supplement. (Section 3.1).
- (b) Records which must be kept. (Section 3.4).
- (c) Transfers of business or stock in trade. (Section 3.6).
- (d) Adjustable pricing. (Section 3.7).
- (e) Petitions for amendment (Section 3.8).
- (f) Applications for adjustment (Section 3.9).

This supplement shall become effective as of April 1, 1945.

NOTE: All record-keeping and reporting requirements of this supplement have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7181; Filed, May 2, 1945;
11:42 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[Territorial Consumer Goods Reg. 1, Supp. 3]

SECOND-HAND WATCHES IN HAWAII

A statement of the considerations involved in the issuance of this supplement, issued simultaneously herewith, has been filed with the Division of the Federal Register.

ARTICLE I—EXPLANATION OF THE SUPPLEMENT

Sec.

1. Explanation of the supplement.
2. Applicability of Territorial Consumer Goods Regulation No. 1.
3. Definitions.

ARTICLE II—PRICING PROVISIONS

4. Maximum prices for sales of second-hand watches.
5. Provisions of Article II of Territorial Consumer Goods Regulation No. 1.

ARTICLE III—MISCELLANEOUS PROVISIONS

6. Tagging.
7. Sales slips and receipts.
8. Provisions of Article III of Territorial Consumer Goods Regulation No. 1.

ARTICLE I—EXPLANATION OF THE SUPPLEMENT

SECTION 1 *Explanation of the supplement.* (a) This supplement establishes maximum prices for sales of second-hand watches in the Territory of Hawaii.

(b) This supplement covers all sales by any person to any other person, except.

(1) Sales by any person of second-hand watches which were not acquired by him for the purpose of sale.

(c) This supplement applies throughout the Territory of Hawaii.

(d) This supplement supersedes the provisions of Maximum Price Regulation 429 and all other Maximum Price Regulations and orders only as to the products listed and the transactions covered.

SEC. 2 *Applicability of Territorial Consumer Goods Regulation No. 1.* The provisions of Territorial Consumer Goods Regulation No. 1 which are applicable to this supplement are listed by section number in appropriate places in the following provisions and they are just as much a part of this supplement as if they were printed here in full. In addition, "the explanation of the regulation" contained in Territorial Consumer Goods Regulation No. 1 is also a part of this supplement. When any applicable section of Territorial Consumer Goods Regulation No. 1 is amended, the amendment also is applicable to this supplement.

If a particular section of Territorial Consumer Goods Regulation No. 1 is not listed by section number in the following provisions as being applicable to this supplement, it, of course, has no effect here.

SEC. 3 *Definitions.* (a) When used in this supplement, the term:

(1) A "second-hand watch" is any watch which is not new or which has been in the possession of an ultimate consumer, and includes second-hand, used, and rebuilt watches.

(b) The definitions of the following terms set forth in the following sections of Territorial Consumer Goods Regulation No. 1 are applicable to this supplement.

"Person" (section 1.1)

"Records" (section 1.2)

"Sell" (section 1.5)

"Adoption of definitions in Emergency Price Control Act of 1942, as amended (section 1.9)

ARTICLE II—PRICING PROVISIONS

SEC. 4 *Maximum prices for sales of second-hand watches.* (a) The maximum prices for sales by any person to any other person of second-hand watches shall be as follows:

(1) *Cylinder or pin-lever movement.* The maximum price for the sale of any second-hand watch having a cylinder or pin-lever movement shall be \$1.00.

(2) *Lever escapement movement.* (i) The maximum price for the sale of any second-hand watch having a lever escapement movement and of a make appearing in sub-division (a) hereof shall be the price set forth in sub-division (b) hereof, corresponding to the type, movement, and case of such watch.

(a) Hamilton, Elgin, Bulova, Waltham, Gruen, Vacheron-Constantin, Tayannes, Jules Jurgensen, Howard, Illinois, Glycine, Longines, Muvado, Rolex, Mido, Matthy-Tissot, Girard-Perregaux, Omega, Harvel, Eterna, Benrus, LeCoultre, Wyler, Patek-Phillippe.

(b) Maximum prices.

Number of jewels in movement	Solid gold case	Gold filled or rolled gold plate case	Chrome or base metal case
MEN'S WRIST WATCHES			
7-9	\$18.00	\$12.50	\$10.00
15	20.00	15.00	12.50
17	32.50	20.00	17.50
19	37.50	25.00	20.00
21	40.00	27.50	22.50
POCKET WATCHES			
7-9	23.00	12.50	10.00
15	27.50	15.00	12.50
17	42.50	20.00	17.50
19	47.50	25.00	20.00
21	50.00	27.50	22.50
LADIES' WRIST WATCHES			
7-9	15.00	12.50	10.00
15	17.50	15.00	12.50
17	22.50	20.00	17.50
19	25.00	22.50	20.00
21	30.00	27.50	22.50
16's WATCHES WHICH WILL PASS RAILROAD INSPECTION			
-----	65.00	45.00	35.00

For the purposes of this section, a watch which will pass railroad inspection means a watch which (1) is size 16 or larger, (2) has a movement containing 21 or more jewels, (3) has a stem wind, (4) is lever set, (5) is adjusted to five or more positions, and (6) does not vary more than thirty seconds for any period of thirty days.

(ii) The maximum price for any second-hand watch with a lever escapement movement of a make not listed in subdivision (a) of subparagraph 4 (a) (2) (i) shall be 66⅔% of the applicable price set forth in subdivision (b) of subparagraph 4 (a) (2) (i).

SEC. 5 *Provisions of Article II of Territorial Consumer Goods Regulation No. 1 applicable to this supplement.* The following provisions of Territorial Consumer Goods Regulation No. 1 are applicable to this supplement:

(a) Maximum prices for commodities covered by an applicable supplement which cannot be priced because of the seller's inability to determine his maximum price under the applicable pricing provision contained in such supplement (section 2.2).

(b) Treatment of Federal and Territorial Taxes (section 2.7).

(c) Revocation of orders affecting articles covered by this regulation or its supplements (section 2.8).

ARTICLE III—MISCELLANEOUS PROVISIONS

SEC. 6 *Tagging.* Every person making a sale or offering to sell a second-hand watch in the course of trade or business must affix to such watch a tag stating in easily readable lettering the words "second-hand" or "used."

SEC. 7 *Sales slips and receipts.* Every person making a sale of a second-hand watch in the course of trade or business

shall give the purchaser a sales slip or receipt showing the date of sale, the name and address of the buyer, a description of the second-hand watch sold, including the lot or stock number, if any, price charged or received for it, and a statement that the watch is a second-hand or used watch.

SEC. 8 Provisions of Article III of Territorial Consumer Goods Regulation No. 1 applicable to this supplement. The following provisions of Territorial Consumer Goods Regulation No. 1 are applicable to this supplement:

- (a) Compliance with applicable supplement (section 3.1).
- (b) Fractional prices for commodities sold at retail (section 3.3).
- (c) Records which must be kept (section 3.4).
- (d) Transfers of business or stock in trade (section 3.6).
- (e) Adjustable pricing (section 3.7).
- (f) Petitions for amendment (section 3.8).
- (g) Applications for adjustment (section 3.9).

This supplement shall become effective as of April 1, 1945.

NOTE: All record-keeping and reporting requirements of this supplement have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7182; Filed, May 2, 1945;
11:42 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS
[MPR 373, Amdt. 146]

WEARING APPAREL AND ACCESSORIES IN
HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 373 is amended in the following respects:

1. Section 52 is amended to read as follows:

SEC. 52. Maximum prices for wearing apparel and accessories at wholesale and retail—(a) What this section does. This section sets maximum prices for all sales at wholesale and retail of the wearing apparel and accessories which are classified and defined in subparagraphs (1), (2) and (3) below. Sales by manufacturing wholesalers and manufacturing retailers are also covered by this section. This section does not apply to sales by custom tailors of any tailored wearing apparel which is made to the individual measurements of the ultimate consumer.

¹ 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139, 14305, 14698, 15253, 15369, 15851, 15852, 15862, 16863, 16997, 17201; 9 F.R. 173, 393, 580, 584, 1158, 1487, 1489, 1528, 1530, 2177, 2177, 2177, 2859, 2660, 3153, 3232, 3341, 3967, 3947, 3945, 4351, 4783, 4821, 4785, 4819, 5168, 5438, 5482.

(1) Women's wear and girls' wear, sizes 7 and up—(i) Dresses. This classification includes all feminine outerwear garments of one or more pieces sold at a unit price commonly known as dresses whether used for street, evening, house or utility wear, and including jumpers, smocks, pinafores, brunch coats, uniform dresses, aprons and similar articles.

(ii) Suits. This classification includes all two-piece feminine outerwear garments, untrimmed, trimmed or fur-trimmed, commonly known as suits and consisting of a separate jacket and skirt sold at a unit price and which are intended for wear with a blouse, dickey or similar garments, and includes uniform suits.

(iii) Coats and jackets. This classification includes feminine outerwear garments commonly known as coats or jackets whether sport, two-third, three-quarter or full length, and whether trimmed, fur-trimmed, or untrimmed, sport or dress, and includes capes, wraps, separate redingotes and similar articles, but does not include rainwear garments, sweaters and sweater type jackets, beach or play coats or jackets.

(iv) Rainwear. This classification includes all those feminine outerwear garments which are commonly regarded as having as their chief use protection against rain, and includes coats, jackets, capes, hoods, hats, umbrellas, and similar items designed for this use.

(v) Slack suits. This classification includes two-piece feminine outerwear garments commonly known as slack suits and consisting of separate slacks and blouse and shirt, slacks and jacket or jerkins sold at a unit price, but does not include coveralls, overalls, jeans, clamdiggers, and similar garments.

(vi) Separate slacks and coveralls. This classification includes all feminine outerwear garments commonly known as separate slacks, coveralls, overalls, jeans, clamdiggers and similar garments.

(vii) Skirts. This classification includes all feminine outerwear garments commonly known as separate skirts, including evening skirts, and culottes.

(viii) Shirts and blouses. This classification includes feminine outerwear garments commonly known as shirts, blouses, and waists with short or long sleeves and made of woven fabric and including jersey knit fabrics, but does not include any other knitted or knit garments such as cotton beach combers, polo shirts, and similar items which are considered to be sweaters.

(ix) Sweaters. This classification includes feminine outerwear garments commonly known as sweaters, sweater coats and pull-overs which are knit or knitted, and whether made of wool, cotton, rayon or any mixture thereof, and includes sleeveless sweaters, twin sweater sets, sweater coats, pull-overs, knitted polo shirts, beach combers, knitted jerkins, sweat coats, and similar items not specifically defined as coats, blouses or play clothes.

(x) Play clothes. This classification includes feminine outerwear garments commonly known as play clothes and designed primarily for play, swim or beach wear, and includes combinations of

shorts, short skirt with blouse or bra-top attached or detached, which are sold at a unit price with or without a detachable over-shirt, and also includes separate shorts, halters, beach coats, capes, swim suits, sun suits, and similar items.

(xi) House coats and robes. This classification includes all feminine garments commonly known as lounge or hostess wear, and includes robes, housecoats, hostess coats, coolie coats, hostess pajamas, negligees, negligee and gown sets, and similar items, whether made of knitted or woven fabrics.

(xii) Underwear and nightwear. This classification includes all feminine garments commonly known as underwear or nightwear, including but not limited to slips, petticoats, nightgowns, pajamas, bed jackets, panties, chemises, panti-bra sets sold at a unit price, and similar items whether trimmed or untrimmed.

(xiii) Foundation garments. This classification includes all feminine undergarments commonly known as foundation garments and includes all elastic and non-elastic corsets, combinations, girdles, surgical belts, pads and similar items.

(xiv) Brassieres. This classification includes all feminine undergarments commonly known as brassieres.

(xv) Millinery. This classification includes feminine wear commonly known as millinery or hats, whether made of fabric, straw or felt, and includes hats, caps, veils, snoods, turbans, and similar items, but does not include fabric head scarfs or straw hats which are made locally of native Hawaiian lauhala, coconut, or other similar plant fibres.

(xvi) Handbags. This classification includes all bags or purses made of fabric, leather, leatherette, plastic, beads or similar materials whether designed for use for street, beach, or evening wear, and whether trimmed or untrimmed, but does not include bags or purses made in the Territory of Hawaii of lauhala, bamboo, coconut or similar plant fibres and does not include any metallic, mesh and beaded bags which are covered by Territorial Consumer Goods Regulation No. 1.

(xvii) Hosiery. This classification includes all women's hosiery of any length, whether made of nylon, silk, rayon, cotton, wool, or any mixture thereof, and including anklets, socks, and peds.

(xviii) Gloves. This classification includes all feminine gloves made of leather, fabric, leatherette, crocheted or knitted goods or similar materials.

(xix) Handkerchiefs. This classification includes all handkerchiefs made of cotton, linen, rayon, silk or similar fabrics, whether designed for sport, dress or evening wear, but does not include bandanas or neckerchiefs.

(xx) Scarfs. This classification includes all scarfs of wool, cotton, rayon, silk, or any other woven or knitted materials, whether designed for use as head scarfs or neck scarfs, and includes all neckerchiefs, bandanas, and shawls designed to be worn on the person.

(xxi) Neckwear. This classification includes feminine wear commonly known as neckwear and includes collars, dickeys, vests, vestees, cuffs, jabots, whether made of fabric, plastic or beads, readymade

collars or sets of flouncing, ruching, and similar items.

(xxii) *Belts and sashes.* This classification includes feminine wear commonly known as belts and sashes which are designed to be worn over outerwear, whether made of fabric, leather, leatherette, wood, lauhala, or similar materials.

(xxiii) *Miscellaneous accessories.* This classification includes articles of adornment for wear on the person, including, but not limited to, cloth or fabric artificial flowers, but does not include jewelry accessories covered by Territorial Consumer Goods Regulation No. 1.

(2) *Men's wear and boys' wear, size 7 and up—(i) Topcoats and overcoats.* This classification includes masculine outerwear garments commonly known as topcoats and overcoats and designed to be worn over other outer apparel.

(ii) *Dress, tropical and wash suits.* This classification includes masculine wear commonly known as men's and boys' suits consisting of a coat and trousers, with or without a vest, and sold at a unit price; military uniforms (except those covered by Maximum Price Regulation No. 385).

(iii) *Separate or sport coats.* This classification includes all masculine garments commonly sold as separate coats and of a type designed to be worn with dress trousers or slacks, but does not include topcoats, overcoats, or rainwear.

(iv) *Separate trousers and slacks.* This classification includes all masculine garments commonly sold as separate trousers, slacks, and breeches, but does not include work pants.

(v) *Active sportswear.* This classification includes golf, tennis, and other outer shorts, athletic supporters, and sport uniforms, such as basketball, baseball and swim suits, and like garments.

(vi) *Dress shirts.* This classification includes masculine garments, commonly known as dress shirts in neck sizes, with or without a collar attached, designed to be worn with a tie for street or evening wear, but does not include sport shirts and other casual shirts not sized in neck sizes.

(vii) *Sport shirts.* This classification includes all masculine wear commonly known as sport shirts, and includes Aloha shirts, "T" shirts and Polo shirts, and all other shirts not defined as Dress Shirts in (vi) above, or as work shirts in (xii) below.

(viii) *Pajamas.* This classification includes men's and boys' wear commonly known as pajamas, and includes regular pajamas, brief pajamas, sleep coats, nightgowns, sleep shorts and similar items.

(ix) *Underwear.* This classification includes all masculine garments commonly known as underwear, and includes athletic shirts, athletic drawers, union suits, support garments, and similar items.

(x) *Headwear.* This classification includes all masculine wear commonly known as hats or caps, whether made of fabric, straw, or felt, but does not include straw hats which are made locally of native Hawaiian laulala, coconut, or other similar plant fibers.

(xi) *Rainwear.* This classification includes all masculine garments which are commonly regarded as having for their use protection against rain, and includes jackets, coats, hats, pants, umbrellas, and similar items, but does not include rubbers and other waterproof footwear.

(xii) *Work clothes.* This classification includes all masculine garments commonly known as work clothes, and includes work pants, shirts, socks, gloves, jackets, jumpers, aprons, overalls, dungarees, khaki, denim and work uniforms, and similar items.

(xiii) *Accessories.* This classification includes all items worn by men and boys as accessories to the above garments, and includes handkerchiefs, garters, belts, suspenders, and dress or sport socks (except work socks), but does not include jewelry accessories covered by Territorial Consumer Goods Regulation No. 1.

(xiv) *Neckwear.* This classification includes all masculine articles worn around the throat, and includes cravats, collars, mufflers, and similar items.

(3) *Children's and infants' wear.* Children's wear in girls' sizes 2-6, and boys' sizes 2-6, and infants' wear in sizes 0-2, except layette sets which are assembled into sets and sold as sets by the manufacturer.

(i) *Girls' dresses and suits.* This classification includes all girls' outerwear garments of one or two pieces sold at a unit price commonly known as dresses and suits, whether made of knitted or woven fabric, and includes jumpers, pinafores, brunch coats, aprons and similar articles.

(ii) *Boys' suits.* This classification includes all boys' outerwear garments commonly known as boys' suits, consisting of coat or shirt with short or long pants, and sold at a unit price.

(iii) *Children's coats.* This classification includes children's outerwear garments commonly known as coats or jackets, whether loose or fitted styles, trimmed or untrimmed, sport or dress, and includes capes, but does not include rainwear garments, sweaters, beach coats, or play coats.

(iv) *Rainwear.* This classification includes children's outerwear garments which are commonly regarded as having as their chief use protection against rain, such as coats, umbrellas, jackets, capes and similar items.

(v) *Slacks, slack suits and shorts.* This classification includes children's outerwear garments, commonly known as slacks, slack suits and shorts, and includes separate slacks, overalls, jeans, coveralls, shorts and slack suits of two pieces, consisting of slacks and shirt or jacket, sold at a unit price.

(vi) *Girls' skirts.* This classification includes all girls' outerwear garments commonly known as separate skirts.

(vii) *Boys' trousers.* This classification includes all boys' outerwear garments, commonly known as separate trousers.

(viii) *Blouses and shirts.* This classification includes all children's outerwear garments, commonly known as blouses or shirts, made of woven or jersey knit fabric, but does not include any other

kit or knitted garments, such as sweaters, polo shirts and the like.

(ix) *Sweaters.* This classification includes all children's outerwear garments commonly known as sweaters, sweater coats, pullovers, polo shirts which are knit or knitted.

(x) *Playclothes.* This classification includes all children's outerwear garments commonly known as play clothes, and which are designed primarily for play, swim or beach wear, and includes sun suits, swim suits, rompers, beach coats and capes, and similar articles. This classification does not include costumes such as cowboy suits, Halloween suits, etc.

(xi) *Headwear.* This classification includes all children's headwear and includes hats, caps, bonnets, berets and similar articles, but does not include straw hats which are made of native Hawaiian lauhala, coconut, or other similar plant fibres.

(xii) *School uniforms.* This classification includes all outerwear garments that are especially designed for school wear as a uniform.

(xiii) *Housecoats and robes.* This classification includes the children's garments commonly known as lounge wear and includes robes and housecoats, and similar articles.

(xiv) *Underwear and nightwear.* This classification includes those children's garments commonly known as underwear and nightwear and includes both knit and woven union suits, nightgowns, pajamas, undershirts, panties, shorts, slips, vests and similar articles.

(xv) *Infants' dresses, rompers, creepers and coats.* This classification includes all infants' outerwear garments commonly known as infants' dresses, rompers, creepers, coats and similar articles, whether knitted or made of woven fabric and includes sets of two or more pieces of these items and other items of infants' wear when sold at a unit price.

(xvi) *Infants' sweaters, sacques and wrappers.* This classification includes all infants' outerwear garments commonly known as infants' sweaters, sacques, wrappers, shawls and similar articles, whether knitted or made of woven fabric.

(xvii) *Bonnets.* This classification includes all infants' headwear items and includes bonnets, caps and similar articles.

(xviii) *Booties and socks.* This classification includes infants' booties, socks and similar items.

(xix) *Harnesses.* This classification includes all harnesses and similar articles made of fabric and leather which are designed and used primarily for infants.

(xx) *Infants' underwear and nightwear.* This classification includes all infants' underwear and nightwear, whether knitted or woven, and includes undershirts, nightgowns, sleepers, vests, binders, panties, training panties, soaker panties, waterproof panties, and similar items.

(b) *Maximum prices for sales at wholesale.* If you are a wholesaler, you

calculate your maximum prices in the following manner:

(1) *For articles manufactured in the Territory of Hawaii*—(i) *Sales of articles purchased from a local manufacturer.* Multiply the manufacturer's selling price, less all discounts and allowances except discounts for prompt payment up to 2%, by 1.12. The resulting price is your maximum wholesale price.

(ii) *Sales by a manufacturing wholesaler.* (a) Multiply your cost of manufacturing by 1.15. The resulting price is your maximum wholesale price.

(b) Your cost of manufacturing shall include only (1) the wholesale price of the materials used, which shall be no higher than the maximum wholesale price for such material established by section 60 of this regulation, and (2) your maximum sewing charges which have been established under Revised Maximum Price Regulation 165.

(2) *For articles imported into the Territory of Hawaii*—(i) *Sales of articles purchased from a mainland manufacturer or an original mainland importer*—(a) *For sales from stock.* You may compute your maximum prices by either of the following methods:

(1) Multiply the manufacturer's or the original importer's selling price, less all discounts and allowances except discounts for prompt payment up to 2% by 1.25. The resulting price is your maximum wholesale price, or

(2) Add the manufacturer's or the original importer's selling price, less all discounts and allowances except discounts for prompt payment up to 2%, to your "landing costs" as defined in paragraph (c). Then multiply this amount by 1.20. The resulting price is your maximum wholesale price.

You must elect to use one of the two alternate methods of determining your maximum prices for all articles sold by you which are covered by this subdivision. The method elected may not thereafter be changed without first obtaining written permission from the Office of Price Administration, Iolani Palace, Honolulu 2, T. H.

(b) *For sales of articles shipped by the manufacturer or original importer directly to the retailer.* Multiply the manufacturer's or the original importer's selling price, less all discounts and allowances except discounts for prompt payment up to 2%, by 1.12. The resulting price is your maximum wholesale price.

(ii) *Sales of articles purchased from a mainland wholesaler or jobber.* Add the primary mainland wholesaler's or jobber's selling price, less all discounts and allowances except discounts for prompt payment up to 2%, to your "landing costs" as defined in paragraph (c). The resulting price is your maximum wholesale price.

(iii) *Sales of articles manufactured in and imported directly from a foreign country.* Add the foreign exporter's selling price, less all discounts and allowances except discounts for prompt payment up to 2%, to your "landing costs" as defined in paragraph (c). Then multiply this amount by 1.20. The resulting price is your maximum wholesale price.

(3) *Sales by local sub-jobbers.* (i) You may not establish maximum prices as a sub-jobber under this paragraph (b) (3) until you have filed with the Office of Price Administration, Iolani Palace, Honolulu 2, T. H., an application for permission to do so. Such application must show that you had been regularly engaged in performing the function of a sub-jobber during the calendar year of 1943 and must also show the estimated percentage of sub-jobbing business done in relation to the total sales during the years 1942 and 1943. You may not use the maximum prices established by this paragraph (b) (3) until you have received written permission from the Office of Price Administration.

(ii) If you have received permission to sub-job under sub-division (i) above, you shall compute your maximum wholesale prices in the following manner:

(a) *Articles purchased from a mainland wholesaler or jobber.* Multiply the primary wholesaler's or jobber's selling price, less all discounts and allowances except discounts for prompt payment up to 2%, by 1.20. The resulting price is your maximum wholesale price regardless of whether the articles were shipped from the establishment of the wholesaler or jobber or direct from the factory.

(b) *Articles purchased from a local wholesaler or jobber who has computed his maximum price under paragraph (b) (2) (i) (a) applying to "sales from stock".* Multiply the local wholesaler's or jobber's selling price, less all discounts and allowances except discounts for prompt payment up to 2%, by 1.15. The resulting price is your maximum wholesale price.

(4) *Allowance for textile printing.* When you textile print, or have textile printed for you, any article covered by this section, you may add to your maximum wholesale price for the finished unblocked article the maximum price permitted under section 58 of this regulation for such textile printing.

(5) *Odd cent maximum wholesale prices.* Whenever the calculation of a maximum wholesale price results in a fraction of a cent, the maximum price shall be adjusted to the nearest cent.

(6) *Restrictions on markup at wholesale.* (i) Except as provided in paragraph (b) (3) of this section, with reference to sub-jobbers, your maximum price for sales at wholesale of any article covered by this section which you purchased from a local wholesaler, jobber, or manufacturing wholesaler shall not exceed the maximum wholesale price which the primary wholesaler, jobber or manufacturing wholesaler in the Territory of Hawaii would be entitled to charge under this section.

(ii) If you are a wholesaler-retailer, you may not take any part of the wholesale markup allowed by this paragraph (b) for any article sold by any retail outlet owned, controlled by, under the control of, controlling, or in any other way affiliated with respect to ownership or control with the wholesale establishment.

(c) *"Landing cost"*—(1) "Landing cost" for articles imported from the mainland shall be computed by adding the amounts permitted in subdivisions (i) through (v) set forth below. If any

of the amounts, or any part thereof, specified in any of these subdivisions has already been included in another subdivision, it may not again be added.

(i) An amount equal to the transportation charges, if any, actually incurred by the purchaser for transportation from the mainland point at which the purchaser received delivery to the mainland port of shipment (including Federal transportation tax and terminal charges) not in excess of public (common or contract) carrier rates.

(ii) An amount equal to mainland storage charges and insurance in connection therewith actually incurred by the purchaser. The charges for storage and insurance in connection therewith in excess of three months shall not be included.

(iii) An amount equal to cartage charges actually incurred by the purchaser for cartage from warehouse to dock in port of shipment, not in excess of public (common or contract) carrier rates.

(iv) An amount equal to charges for ocean freight, War risk and Marine insurance actually incurred by the purchaser, and there may be included in this amount Territorial tolls and tonnage tax as shown on the bill of lading.

(v) An amount equal to cartage charges in the Port of Entry in the Territory of Hawaii from the dock to the establishment of the purchaser, computed at a rate not in excess of \$1.20 per ton weight or measurement; *Provided*, That the commodity is moved from a dock at the purchaser's expense.

(2) "Landing cost" for articles imported directly from a foreign country, shall be computed by adding the amounts permitted in subdivisions (i) through (iv) set forth below. If any of the amounts, or any part thereof, specified in any of these subdivisions has already been included in another subdivision it may not again be added.

(i) An amount equal to charges for ocean freight, War Risk and Marine insurance actually incurred by the purchaser, and there may be included in this amount Territorial tolls and tonnage tax as shown on the bill of lading.

(ii) An amount equal to cartage charges in the Port of Entry in the Territory of Hawaii from the dock to the establishment of the purchaser, computed at a rate not in excess of \$1.20 per ton, weight or measurement; *Provided*, That the commodity is moved from the dock at the purchaser's expense.

(iii) An amount equal to charges for consular invoice fees actually incurred by the purchaser.

(iv) An amount equal to charges for export and import duties actually incurred by the purchaser.

(3) *"Landing cost" in cases of inter-island shipments.* In cases where the article has been shipped from one island to another island in the Territory of Hawaii the charges set forth below may be added to the maximum wholesale price as computed under paragraph (b) of this section.

(i) An amount equal to the actual transportation costs incurred to be computed in accordance with the applicable provisions of subdivisions (iii), (iv) and (v) of subparagraph (1) above.

The transportation costs incurred for one inter-island shipment only may be added to the maximum wholesale price. The costs incurred for any subsequent inter-island shipment may not be added.

(d) *Maximum prices for sales at retail.* If you are a retailer, you calculate your maximum prices in the following manner:

(1) *Sales of articles manufactured in the Territory of Hawaii—(i) Sales of articles purchased from a manufacturing-wholesaler.* Multiply the manufacturing-wholesaler's selling price by the figure set forth in column 3 of the Table of Retail Multiplication Figures for the classification of articles to be priced. The resulting price is your maximum retail price.

(ii) *Sales of articles purchased from a local manufacturer.* Multiply the manufacturer's selling price, less all discounts and allowances except discounts for prompt payment up to 8%, by the figure set forth in column 4 of the Table of Retail Multiplication Figures for the classification of articles to be priced. The resulting price is your maximum retail price.

(iii) *Sales of articles purchased from a local wholesaler.* Multiply the manufacturer's selling price by the figure set forth in column 4 of the Table of Retail Multiplication Figures for the classification of articles to be priced. The resulting price is your maximum retail price.

(iv) *Sales by a manufacturing-retailer.* First compute the maximum manufacturing-wholesale price in accordance with the provisions of paragraph (b) (1) (ii) of this section. Then multiply that amount by the figure set forth in Column 3 of the Table of Retail Multiplication Figures for the classification of articles to be priced. The resulting price is your maximum retail price.

(v) *Sales by dressmakers.* (a) If you are a dressmaker who sews to the individual measurements of the ultimate consumer, and you furnish the material used from your own stock, you must compute your maximum retail price in the manner set forth below. (If you do not furnish the material used in making the garment, you are not covered by this section. Such services are covered by Revised Maximum Price Regulation 165.)

First, compute the maximum retail price of the yardage used in accordance with the provisions of section 60 of this regulation. Then add to this amount your maximum dressmaking charge for the garment as established in accordance with the provisions of RMPR 165—Services. The resulting price is your maximum retail price.

(b) Extra charges for zippers and fancy buttons. If you furnish zippers and fancy buttons for the garment, you may add the maximum retail prices of such zippers and fancy buttons to your maximum retail price as computed under subdivision (a) above.

(2) *For articles imported into the Territory of Hawaii—(i) Sales of articles purchased from a mainland manufacturer or an original mainland importer.* Multiply the manufacturer's or the original

importer's selling price, less all discounts and allowances except discounts for prompt payment up to 8%, by the figure set forth in Column 1 of the Table of Retail Multiplication Figures for the classification of articles to be priced. The resulting price is your maximum retail price.

(ii) *Sales of articles purchased from a mainland wholesaler or jobber.* Multiply the primary mainland wholesaler's or jobber's selling price, less all discounts and allowances except discounts for prompt payment up to 8%, by the figure set forth in Column 2 of the Table of Retail Multiplication Figures for the classification of articles to be priced. The resulting price is your maximum retail price.

(iii) *Sales of articles purchased from a local wholesaler, jobber, or importer.* (a) Articles purchased from stock: Multiply the primary local wholesaler's, jobber's, or original importer's selling price, less all discounts and allowances except discounts for prompt payment up to 8%, by the figure set forth in Column 3 of the Table of Retail Multiplication Figures for the classification of articles to be priced. The resulting price is your maximum retail price.

(b) Articles shipped by the manufacturer or original importer directly to the

retailer: Multiply the local primary wholesaler's, jobber's or importer's selling price, less all discounts and allowances except discounts for prompt payment up to 8%, by the figure set forth in Column 5 of the Table of Retail Multiplication Figures for the classification of articles to be priced. The resulting price is your maximum retail price.

(iv) *Sales of articles purchased from a local sub-jobber.* Multiply the sub-jobber's selling price, less all discounts and allowances except discounts for prompt payment up to 8%, by the figure set forth in Column 6 of the Table of Retail Multiplication Figures for the classification of articles to be priced. The resulting price is your maximum retail price.

(v) *Sales of articles manufactured in and imported directly from a foreign country.* First, add to the foreign exporter's selling price, less all discounts and allowances except discounts for prompt payment up to 8%, the consular invoice fees, export and import duties actually paid by you. Then multiply that amount by the figure set forth in Column 1 of the Table of Retail Multiplication Figures for the classification of articles to be priced. The resulting price is your maximum retail price.

(3) Table of retail multiplication figures.

	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6
A. WOMEN'S AND GIRLS' WEAR						
1. Dresses, coats, jackets, suits, rainwear, slack suits, play clothes, housecoats:						
a. Budget: to \$12.95 each inclusive.....	1.75	1.55	1.50	1.68	1.68	1.30
b. Better: over \$12.95 each.....	1.80	1.62	1.57	1.75	1.73	1.30
2. Slacks, shirts and blouses, skirts and sweaters.....	1.75	1.55	1.50	1.68	1.68	1.30
3. Underwear, nightwear, brassieres.....	1.75	1.55	1.50	1.65	1.65	1.30
4. Foundation garments:						
a. Budget: to \$5 each inclusive.....	1.75	1.55	1.50	1.65	1.65	1.30
b. Better: over \$5 each.....	1.85	1.55	1.50	1.80	1.72	1.30
5. Millinery.....	2.00	1.72	1.67	1.80	1.80	1.30
6. Hosiery, (except full-length nylon hosiery).....	1.75	1.55	1.50	1.65	1.65	1.30
7. Gloves and handbags.....	1.75	1.55	1.50	1.65	1.65	1.30
8. Miscellaneous accessories, handkerchiefs, scarfs, belts and sashes, neckwear.....	1.70	1.55	1.50	1.65	1.65	1.30
B. MEN'S AND BOYS' WEAR						
1. Topcoats and overcoats.....	1.80	1.57	1.50	1.73	1.73	1.30
2. Dress, tropical, slack and wash suits; separate trousers and slacks; separate coats, sport coats, sweaters; sport or dress shirts, pajamas, headwear, neckwear, rainwear, underwear.....	1.75	1.57	1.50	1.68	1.68	1.30
3. Work clothes, active sportswear, swim trunks or shorts.....	1.70	1.57	1.50	1.65	1.65	1.30
4. Handkerchiefs, belts, garters, suspenders, dress or sport socks.....	1.70	1.53	1.50	1.65	1.65	1.30
C. CHILDREN'S AND INFANTS' WEAR						
1. Budget: to \$12.95 each, inclusive.....	1.75	1.55	1.50	1.68	1.68	1.30
2. Better: over \$12.95 each.....	1.80	1.60	1.55	1.75	1.73	1.30

All designations of price in the above table with respect to "Budget" or "Better" items refer to the appropriate cost price upon which the retailer will use the multiple in the above table to determine the maximum price. For example, if the maximum price of a housecoat is to be determined by multiplying \$12.95 by one of the multiples, the housecoat is a "Budget" item.

(4) *Maximum prices for articles which you textile print.* When you textile print, or have textile printed for you, any article covered by this section, you shall compute your maximum retail prices in accordance with the applicable provisions of paragraphs (d) (1) and (2) above, except that you may add the maximum price permitted under section 58 of this regulation for such textile printing to the manufacturer's, importer's or wholesaler's selling price, whichever is applicable, and then multiply the total amount by the applicable retail multiplication figure. The resulting amount will be your maximum retail price.

(5) *Odd cent maximum retail prices.* Whenever the calculation of a maximum retail price results in an odd cent maxi-

mum price, the maximum price may be adjusted to the nearest nickel.

(e) *Maximum prices for nationally advertised articles.* Application may be made for approval of a price for any article covered by this section which is nationally advertised by the manufacturer thereof, and who also requires that such article be sold at the prices established by such manufacturer. Such application, of course, need not be made when the nationally advertised price is not in excess of the maximum price allowed by this section. Your application must set forth:

(1) Description of the article or line to be priced.

(2) Proof that the manufacturer has established a nationally advertised resale

price and that such price is so marked on the article.

(3) A statement that you will not sell such article at a price higher than such nationally advertised price.

(f) *Maximum prices for assorted job lot merchandise.* In cases where a wholesaler or retailer purchases an assorted job lot of merchandise invoiced to him for a single or blanket price, he may make application to the Office of Price Administration, Honolulu 2, T. H., for approval of his own allocation of the cost of such merchandise to the different articles involved. Such application must show the allocation made by the wholesaler or retailer and shall show the resulting maximum wholesale or retail prices determined on the basis of such allocated costs.

(g) *Maximum prices for certain merchandise purchased at lower than the manufacturer's or wholesaler's maximum price.* In cases where a retailer or wholesaler purchases from a manufacturer or from a wholesaler any article covered by this section, at a price lower than such manufacturer's or wholesaler's maximum price and lower than a price which the purchaser previously paid to such manufacturer or wholesaler for the same merchandise, and where such lesser price was paid by reason of the seasonal nature of goods, application may be made to the Office of Price Administration, Honolulu 2, T. H., for a maximum price for resale of this merchandise, which maximum price is based upon the higher price previously paid to such manufacturer or wholesaler, and the appropriate multiple provided by this section. Any such application must be accompanied by the invoice with the lot or stock number for the goods in question and the invoice establishing the former higher price, or other evidence of a similar nature, and any other information the Office of Price Administration may require.

(h) *Maximum prices for full-length nylon hosiery.* The maximum price for sales at wholesale of any full-length nylon hosiery shall not exceed \$1.65 per pair. The maximum price for sales at retail of any full-length nylon hosiery shall not exceed \$2.50 per pair.

(i) *Records and reports.* For the purposes of this section, this paragraph supersedes the provisions of section 10 of this regulation.

(1) *Purchase records.* If you make sales of any article covered by this section, you must keep and make available for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each purchase of each such article showing:

(i) The date of purchase and the date of receipt.

(ii) The name and address of the seller.

(iii) A description of the article purchased, including the manufacturer's lot or stock number.

(iv) The quantity purchased.

(v) The manufacturer's, original importer's or primary wholesaler's or jobber's selling price, whenever such price must be used in computing your maxi-

mum price. If you did not purchase the article from the manufacturer, original importer, or primary wholesaler or jobber, you must secure a written statement from your supplier setting forth the name of the manufacturer, original importer, or primary wholesaler or jobber and the manufacturer's, original importer's, or primary wholesaler's or jobber's selling price for the article so purchased.

(vi) Your invoice cost in all other cases.

(vii) Your stock number, if any.

(viii) The price paid or charged.

(ix) The multiple used in determining your maximum price.

(x) Your maximum price.

(xi) All records and data including purchase, freight, consular fees and all other invoices or memoranda reflecting the charges incurred by you in arriving at your "landing cost" and your selling price. However, retailers need not keep any records with reference to "landing costs".

You may list the information required above on each purchase invoice covering the article.

(2) *Sales records—(i) Required of persons making sales at other than retail.* If you make sales at other than retail of any article covered by this section, you must invoice each sale of each such article. You must make and keep a copy of this invoice for examination by the OPA for so long as the Emergency Price Control Act of 1942, as amended, remains in effect. The original invoice must be delivered to the buyer and must set forth the following information:

(a) The date of sale.

(b) Itemized list of articles sold and the quantity of articles sold.

(c) A description of the articles sold, including the manufacturer's lot number.

(d) The manufacturer's or the original importer's selling price for each such article if your maximum price is determined under paragraphs (b) (1) (i) and (b) (2) (i).

(e) Either your maximum price for each article or a statement that "Prices herein stated for wearing apparel and accessories are at or below our OPA ceiling prices."

(f) Either the retailer's maximum price for each article as calculated under paragraph (d) or the appropriate retail multiple set forth in the Table of Retail Multiplication Figures in paragraph (d), which the retailer must use in computing his maximum price.

(g) The price charged or received.

(ii) *Required of persons making sales at retail.* (a) If you have customarily given a purchaser a sales slip, receipt or similar evidence of purchase, you must continue to do so. Upon request from a purchaser, you must, regardless of previous custom, give the purchaser a receipt showing the date, your name and address, a description of the article sold and the price received for it.

(b) You must keep and make available for examination by the OPA for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of the same kind as you customarily kept to show the price charged for any article covered by this section and,

in addition, records showing as precisely as possible the basis upon which you determined the maximum price for such article.

(3) *Additional records required of manufacturing-wholesalers, manufacturing-retailers and dressmakers in addition to the records and reports required by subparagraphs (1) and (2) above.* If you are a manufacturing-wholesaler, manufacturing-retailer or dressmaker, making a sale of any article covered by this section, you must keep and make available for examination by the OPA, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each article made showing:

(i) The date of purchase and date of receipt of the material used.

(ii) The name and address of the seller.

(iii) A description of the material purchased, including the manufacturer's and/or supplier's lot or stock number.

(iv) A complete and accurate description of the article made.

(v) The yardage used in making the article.

(vi) The price paid or charged.

(vii) The maximum wholesale price of the material used as computed under section 60 of Maximum Price Regulation 373, if you are a manufacturing-wholesaler or manufacturing-retailer.

(viii) The maximum retail price of the material used as computed under section 60 of Maximum Price Regulation 373, if you are a dressmaker.

(j) *Posting and marking of prices.* For the purposes of this section, this paragraph supersedes the provisions of section 10 (b) of this regulation.

(1) *Posting.* On and after the effective date of this section, if you sell at retail any article covered by this section, you must post in a conspicuous place, in a manner plainly visible to and understandable by the purchasing public, in the department or portion of the premises where such article is sold or offered for sale, a sign stating, "Each article of wearing apparel and accessories in this store (or on this counter, shelf, or in this case, bin or rack) is marked and sold at our ceiling price or less."

(2) *Marketing.* (i) On and after the effective date of this section, you may not sell, deliver, or offer for sale at retail, any article covered by this section, unless there is firmly attached to such article a stamp, tag or other marking showing the selling price. Such selling price must be plainly visible to and understandable by the purchasing public.

(ii) All merchandise that is priced pursuant to paragraph (f) must have the lot number which appears on the invoice also clearly marked on the price ticket of each article.

(k) *Inability to determine maximum prices.* If you are unable to determine your maximum wholesale or retail prices for any article covered by this section, you must apply the provisions of section 9a of Maximum Price Regulation 373 to determine such maximum prices.

(l) *Record-keeping violations; failure to establish maximum prices.* In addition to the requirements set forth in section 11 of Maximum Price Regulation

373, relating to enforcement and licensing, if you fail to keep the records required by paragraph (i) of this section, or if you fail to apply the provisions of section 9a of Maximum Price Regulation 373 for the establishment of a maximum price if you are required to do so under paragraph (k) of this section, the OPA may issue an order establishing a maximum price for you for such article in line with the level of maximum prices established by this section. This will not relieve you of your obligation to comply with any of the requirements of this section, or of the various penalties for any failure to do so.

(m) *Treatment of Federal and territorial taxes.* If, at the time you determine your maximum price for any article covered by this section, the Statute of the United States, or the Territory of Hawaii imposing any tax upon, or incident to, the sale or delivery of any such article, does not prohibit you from stating and collecting the tax separately from the purchase price, and you do so state it separately, you may collect, in addition to the maximum price, the amount of the tax actually paid by you or an amount equal to the amount of the tax paid by any prior seller and which has been separately stated and collected from you by the seller from whom you purchased the article. In such case you may not include such amount in the computation of your maximum price. In addition, in the case of a sale of any article at wholesale to a buyer who does not have a gross income tax license, you may add one percent to your maximum wholesale price.

(n) *Definitions.* When used in this section, the term:

(1) "Manufacturer's selling price" means the price at which the manufacturer of the article sold and invoiced it f. o. b. factory, before the deduction of any discounts or allowances, and before the addition of any premium or other charges permitted under the Second Revised Maximum Export Price Regulation.

(2) "Original importer's selling price" means the price at which the original importer of the article from outside the Continental limits of the United States sold and invoiced it, before the deduction of any discounts or allowances, and before the addition of any premium or other charges permitted under the Second Revised Maximum Export Price Regulation.

(3) "Foreign exporter's selling price" means the price at which the foreign exporter of the article sold and invoiced it to the purchaser f. o. b. foreign country, before the deductions of any discounts or allowances.

(4) "Wholesaler or jobber's selling price" means the price appearing on the wholesaler's or jobber's invoice to the retailer before the deduction of any discounts or allowances, and before the addition of any premium or other charges permitted under the Second Revised Maximum Export Price Regulation.

(5) "Sales from stock" means sales of articles which the seller carries in stock, sells out of stock, and which were invoiced to and received at the establishment of the seller.

(6) "Sales of articles shipped from the manufacturer or original mainland importer directly to the retailer" means sales by a local wholesaler, jobber or importer of articles which are not delivered out of stock, and which are shipped directly to the retailer rather than to the seller's establishment, but which are consigned to the seller who is responsible financially to the manufacturer or importer for the account.

(7) "Primary Wholesaler or jobber" means the person who purchased the article from a manufacturer for the purpose of resale at wholesale.

(8) "Sub-jobber" means a person who purchases an article from a wholesaler or jobber for the purpose of resale to retail sellers.

(9) "Manufacturing-wholesaler" means a wholesaler who makes, or has made for him from materials owned by him, articles for sale to retail sellers.

(10) "Manufacturing-retailer" means a retailer who makes, or has made for him from materials owned by him, articles for sale to ultimate consumers.

(11) "Wholesaler-retailer" means a person or firm operating a wholesale establishment and who has also sold at least 50% of the articles covered by this section at retail in his own or an affiliated concern during the preceding calendar year.

(12) "Dressmaker" means any person, except a custom tailor, who makes, or has made for him, from materials owned by him, women's and children's garments exclusively to the individual measurement of the ultimate consumer. Dressmakers who do not own the yardage from which the article is made, or do not carry such yardage in stock are not covered by this section. A custom tailor who makes, or has made for him, from materials owned by him, any tailored garments to the individual measurement of the ultimate consumer is covered by the General Maximum Price Regulation for the Territory of Hawaii.

(13) "Sewing charges" means the maximum charges for sewing quantity lots of merchandise for resale as established in accordance with the provisions of Revised Maximum Price Regulation 165, but does not include charges for sewing to the individual measurements of the ultimate consumer.

(14) "Dressmaking charges" means the maximum charges for sewing to the individual measurements of the ultimate consumer from material owned by the dressmaker as established in accordance with the provisions of Revised Maximum Price Regulation 165, but does not include charges for sewing by custom tailors. For the purposes of this section, dressmaking charges include but are not limited to the following: Designing, pattern making, shrinking, cutting, pressing, sewing and incidental trimmings such as tape, thread, and non-decorative utility buttons and button-holes.

(15) "Local" means the Territory of Hawaii.

(16) "Mainland" means the forty-eight states and the District of Columbia.

2. Section 53 entitled *Maximum Prices for Men's and Boys' Wear at Wholesale and Retail* is hereby revoked.

3. Section 61 entitled *Maximum Prices for Children's and Infants' Wear at Wholesale and Retail* is hereby revoked.

This amendment shall become effective as of April 15, 1945.

NOTE: The reporting and record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7176; Filed, May 2, 1945; 11:43 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS [MPR 374, Revocation]

JEWELRY AND CERTAIN OTHER ARTICLES IN HAWAII

A statement of the considerations involved in the issuance of this order of revocation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 374, Jewelry and Certain Articles in the Territory of Hawaii, is revoked subject to the provisions of Supplementary Order 40.²

This order shall become effective as of April 1, 1945.

Issued this 2d day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7177; Filed, May 2, 1945; 11:44 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service

PART 261—TRESPASS

BEAVERHEAD NATIONAL FOREST; ORDER FOR REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on land in the Black Canyon Allotment, Dillon District, Beaverhead National Forest, in the State of Montana; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat., 35; 16 U.S.C. 551), and the act of February 1, 1905 (33 Stat., 628, 16 U.S.C. 472), the following order for the occupancy, use, protection, and administration of land in the Black Canyon Allotment, Dillon District, Beaverhead National Forest, is issued:

*Temporary closure from livestock grazing.*³ (a) The Black Canyon Allotment, Dillon District, Beaverhead National Forest, is hereby closed from May 15 to December 31, 1945, to the grazing of

¹ 8 F.R. 5313, 10269, 10984.

² 8 F.R. 4325.

³ This affects tabulation contained in 36 CFR, 261.50.

horses, excepting those that are lawfully grazing on or crossing land in such allotment pursuant to the regulations of the Secretary of Agriculture or which are used in connection with operations authorized by such regulations, or used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Beaverhead National Forest is located.

Done at Washington, D. C., this 2d day of May, 1945.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 45-7165; Filed, May 2, 1945;
11:08 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

[G. O. 45, Supp. 4]

PART 306—GENERAL AGENTS AND AGENTS FREIGHT BROKERAGE AND COMMISSIONS ON FARES

Paragraph (a) Rates of § 306.123 Freight brokerage is amended by striking out subparagraphs (2) and (3) and inserting in lieu thereof, the following:

(2) Sugar, metals, ores and bulk cargoes other than parcel lots not covered by charter party moving in regular general cargo berth services (including cargo owned by any department or agency of the Government, for the transportation of which a freight is paid) covered by bills of lading, charter party, or contract of affreightment, in the nearby trades, which includes Caribbean and Canadian: 1¼% of the base freight charges before all surcharges, war or otherwise; *Provided, however, That:*

(i) For services rendered during the period January 1, 1944, to and including November 30, 1944, brokerage shall not be paid on that portion of freight charges in excess of \$5.00 per manifest ton;

(ii) For services rendered on and after December 1, 1944, brokerage shall not be paid on that portion of the freight charges in excess of \$4.00 per manifest ton on sugar and \$5.00 per manifest ton on metals, ores and other bulk cargoes except bauxite consigned to Canada and sugar;

(iii) For services rendered on and after January 1, 1945, brokerage shall not be paid on that portion of the freight charges in excess of \$1.00 per manifest ton on bauxite destined to Canada direct or via North Atlantic United States ports.

(3) Sugar, metals, ores and bulk cargoes other than parcel lots not cov-

ered by charter party moving in regular general cargo berth services (including cargo owned by any department or agency of the Government, for the transportation of which a freight is paid) covered by bills of lading, charter party, or contract of affreightment, in long voyage trades or in spheres outside of those covered by paragraph (a) (2): 1¼% of the base freight before all surcharges, war or otherwise: *Provided, however, That:*

(i) For services rendered during the period January 1, 1944, to and including January 31, 1945, brokerage shall not be paid on that portion of freight charges in excess of \$8.00 per manifest ton;

(ii) For services rendered on and after February 1, 1945, brokerage shall not be paid on that portion of the freight charges in excess of \$4.00 per manifest ton on grain and bagged grain and \$8.00 per manifest ton on sugar, metals, ores and other bulk cargoes except grain and bagged grain.

Paragraph (d) Brokerage certificate of § 306.123 Freight brokerage is amended by striking out that portion of subparagraph (1) that precedes the colon and inserting in lieu thereof the following:

(1) Where the shipping documents are in the name of the shipper principal or clearly identify the broker as an agent of a named principal, the following certificate must be executed:

(E. O. 9054, 7 F. R. 837)

[SEAL] E. S. LAND,
Administrator,
War Shipping Administration.

APRIL 30, 1945.

[F. R. Doc. 45-7153; Filed, May 2, 1945;
10:12 a. m.]

Notices

FEDERAL POWER COMMISSION.

[Docket No. IT-5947]

WORCESTER SUBURBAN ELECTRIC CO.

NOTICE OF APPLICATION

MAY 1, 1945.

In the matter of Worcester Suburban Electric Company, Milford Electric Light and Power Company, Union Light & Power Company. Docket No. IT-5947.

Notice is hereby given that on April 30, 1945, a joint application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Milford Electric Light and Power Company, Union Light & Power Company and Worcester Suburban Electric Company, corporations organized under the laws of the Commonwealth of Massachusetts, with their principal business offices at Milford, Franklin and Uxbridge, respectively, all in Massachusetts, seeking an order authorizing the merger of the other applicants into Worcester Suburban Electric Company, the latter to issue 50,312 additional shares of its capital stock of an aggregate value of \$1,257,800 in substitution for the presently outstanding shares of Milford Electric Light

and Power Company and Union Light & Power Company; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 18th day of May 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-7208; Filed, May 2, 1945;
11:58 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 972]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as its applies to the reconsignment at Chicago, Illinois, April 27, 1945, by Rittenhouse Co., of car PFE 36291, tomatoes, now on the Chicago Produce Terminal, to Eber Brothers, Rochester, N. Y. (N. Y. C.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of April 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-7166; Filed, May 2, 1945;
11:29 a. m.]

[S. O. 70-A, Special Permit 973]

RECONSIGNMENT OF TOMATOES AT MINNEAPOLIS, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Minneapolis, Minn., April 27, 1945, by D. L. Piazza, of car PFE 40971, tomatoes, now on the Chicago Great Western Railway, to Chicago, Illinois.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of April 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-7167; Filed, May 2, 1945;
11:29 a. m.]

[S. O. 70-A, Special Permit 974]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri, not later than April 30, 1945, by L. S. Taube of car SFRD 36565, potatoes, now on the Chicago Great Western Railroad, to Nash Finch Company, Oklahoma City, Oklahoma, (AT&SF).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of April 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-7168; Filed, May 2, 1945;
11:29 a. m.]

[S. O. 303, Special Permit 3]

ICING OF GREEN CORN AND CABBAGE FROM SANFORD, FLA.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 303 of April 19, 1945 (10 F.R. 4360), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 303 insofar as it applies to the furnishing of both body icing and bunker icing on car BRE 74938, loaded with approxi-

mately one-half carload of green corn and one-half carload of cabbage, shipped April 27 or 28, 1945, by Chase & Co., Sanford, Florida, to American Stores, Philadelphia, Penna. (ACL-RE&P-PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of April 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-7170; Filed, May 2, 1945;
11:29 a. m.]

[S. O. 288, Special Permit 14]

REFRIGERATION OF SHELL EGGS FROM KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 288 of February 27, 1945 (10 F.R. 2408), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 288 insofar as it applies to the furnishing or supplying of one refrigerator car for loading with shell eggs packed in used fibreboard egg cases, shipped by Interstate Egg Company, from Kansas City, Missouri-Kansas, not later than May 3, 1945, to Interstate Egg Company, Maywood, California, (via A. T. & S. F.-L. A. Junction delivery) for current retail sales, provided the used fibreboard egg cases in which the eggs are packed comply with requirements of Consolidated Freight Classification No. 16.

The car order, bill of lading, other shipping papers and the waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of April 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-7169; Filed, May 2, 1945;
11:29 a. m.]

[S. O. 303, Special Permit 4]

ICING OF CABBAGE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (e) of the first order-

ing paragraph of Service Order No. 303 of April 19, 1945 (10 F.R. 4360), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 303 insofar as it applies to the furnishing of not to exceed 5,000 pounds of ice at Chicago, Illinois, April 27, 1945, on cars URT 9131 and BREX 75591, cabbage, now on the Chicago Produce Terminal, as ordered by Cohen and Gordon.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of April 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-7171; Filed, May 2, 1945;
11:29 a. m.]

[S. O. 303, Special Permit 5]

ICING OF CABBAGE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 303 of April 19, 1945 (10 F.R. 4360), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 303 insofar as it applies to the furnishing or not to exceed 4,000 pounds of ice on car PFE 90106, at Chicago, Illinois, April 27, 1945, on car PFE 90106, sack cabbage, now on the Chicago Produce Terminal, as ordered by C. H. Weaver & Co.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of April 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-7172; Filed, May 2, 1945;
11:29 a. m.]

[S. O. 303, Special Permit 6]

ICING OF CABBAGES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (e) of the first ordering

paragraph of Service Order No. 303 of April 19, 1945 (10 F.R. 4360), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 303 insofar as it applies to the furnishing of not to exceed 6,000 pounds of retop ice on each car at Chicago, Illinois, April 28, 1945, as ordered by Louie Cohen Company, on cars of cabbage, FGE 32059, reconsigned to Appleton, Wisconsin, FFE 96124, reconsigned to St. Paul, Minnesota, IC 52554, reconsigned to Cleveland, Ohio, and NYD 15200, reconsigned to Toledo, Ohio. All now on the Chicago Produce Terminal.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of April 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-7173; Filed, May 2, 1945;
11:30 a. m.]

[S. O. 303, Special Permit 7]

ICING OF CABBAGE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 303 of April 19, 1945 (10 F.R. 4360), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 303 insofar as it applies to the furnishing of not to exceed 8,000 pounds of retop ice on each car, at Chicago, Illinois, April 28, 1945, as ordered by Louie Cohen Company, on cars IC 53574 and FGE 46563, both cabbage, now on the Chicago Produce Terminal, reconsigned to Philadelphia, Pennsylvania.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of April 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-7174; Filed, May 2, 1945;
11:30 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-1070 and 70-1069]

AMERICAN POWER & LIGHT CO., ET AL.

NOTICE OF FILING ORDER OF CONSOLIDATION AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of April, A. D. 1945.

In the matter of American Power & Light Company, Texas Power & Light Company, File No. 70-1070, and Texas Power & Light Company, American Power & Light Company, File No. 70-1069.

Notice is hereby given that joint applications and declarations have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Power & Light Company ("American"), a subsidiary of Electric Bond and Share Company, both registered holding companies, and American's subsidiary, Texas Power & Light Company ("Texas").

All interested persons are referred to said joint applications and declarations which are on file in the office of the Commission for a statement of the transactions therein proposed which are summarized below:

American proposes to transfer to Texas \$8,500,000 in cash, such cash to consist of a portion of the proceeds of the sale of the Glacier Production Company oil properties not heretofore used by American in prior transactions and a portion of the proceeds of the sale of the common stock of Nebraska Power Company. Texas proposes to credit said amount of \$8,500,000 to capital surplus which will be disposed of pursuant to further order or orders of the Commission.

Texas proposes to make certain adjustments in its accounts, including the reclassification in Account 107 of items totaling \$19,122,307, estimated to be the excess of book carrying value over system costs of items presently in the plant account, and to provide for the immediate elimination of this amount. In addition, the company proposes to reclassify in Account 100.5 items totaling \$3,144,650, estimated to represent the excess of system cost of properties over the original cost thereof, and to create a reserve for this amount by equal annual charges over a fifteen-year period.

After Texas effects the reclassification of its accounts described above, Texas proposes to retire all of its present debt aggregating \$43,650,000 consisting of First Mortgage and Refunding 5% Bonds due 1956 in the principal amount of \$26,650,000, of which \$113,000 principal amount is held by Electric Bond and Share Company, First Mortgage 4¾% Bonds due 1965 in the principal amount of \$15,000,000, of which \$4,800,000 principal amount is held by Electric Bond and Share Company, and 6% Debentures due 2022 in the principal amount of \$2,000,000. The proposed retirement will be effected through (a) the use of treasury cash, (b) the proceeds of the issuance and sale of \$31,500,000 principal amount of First Mortgage Bonds due 1975 of which \$26,600,000 will be issued

and sold pursuant to the competitive bidding requirements of Rule U-50, and \$4,900,000 principal amount will be exchanged for a like principal amount of its First Mortgage and Refunding 4¾% Bonds due 1965 held by American, with respect to which an exemption from the provisions of Rule U-50 is requested, and (c) the issuance and private sale of \$2,500,000 amount of 2% ten year Serial Notes payable in annual instalments.

The applicants and declarants have designated sections 6 (a), 7, 12 (c) and 12 (f) and Rules U-23, U-42, U-45 and U-50 as being applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and the interests of investors and consumers that a hearing be held with respect to said applications and declarations, and that said applications should not be granted, nor said declarations become effective, except pursuant to further order of the Commission; and

It further appearing to the Commission that said matters are related and involved common questions of law and fact and should be consolidated and heard together:

It is ordered, That the hearings on said matters be and they hereby are consolidated. The Commission reserves the right, if at any time it may appear conducive to an orderly and economic disposition of any of said matters, to order a separate hearing concerning such matter, to close the record with respect to any of the matters, or to take action on any of the matters prior to the closing of the record on any other matter.

It is further ordered, That a hearing on such matters under the applicable provisions of said act and rules of the Commission thereunder be held on May 11, 1945 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve by registered mail a copy of this order on the applicants and declarants herein, and on Electric Bond and Share Company; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER. Any persons desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission on or before May 9, 1945 his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That without limiting the scope of the issues presented by said applications and declarations, particular attention will be directed at

said hearing to the following matters and questions:

(1) Whether the mortgage bonds and serial notes proposed to be issued and sold by Texas will be reasonably adapted to the security structure and earning power of Texas and necessary and appropriate to the economical and efficient operation of the business in which Texas is presently engaged.

(2) Whether the fees, commissions or other remunerations to be paid in connection with the issue and sale of said securities are reasonable.

(3) Whether the terms and conditions of the issue of said securities are detrimental to the public interest or the interests of investors or consumers.

(4) What terms and conditions, if any, are necessary or appropriate in the public interest or the interest of investors or consumers with respect to the proposed retirement of bonds of Texas held by Electric Bond and Share Company.

(5) Whether the proposed contribution by American to the capital of Texas is in compliance with section 12 of the act and the rules promulgated thereunder.

(6) Whether the accounting adjustments proposed to be made by Texas are appropriate and whether any other accounting adjustments should be made in connection with the proposed transactions.

(7) Generally, whether the proposed transactions comply with the applicable provisions of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder.

(8) What terms and conditions, if any, are necessary or appropriate in the public interest or the interests of investors or consumers to ensure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules, regulations or orders promulgated thereunder.

(9) Whether the proposed transactions are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and whether the proposed transactions constitute steps in compliance with the order of the Commission dated August 22, 1942, requiring the dissolution of American.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 45-7137; Filed, May 1, 1945;
2:41 p. m.]

INTERNATIONAL UTILITIES CORP. AND GENERAL WATER GAS & ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of April, A. D. 1945.

Notice is hereby given that a declaration or application (or both) has been filed pursuant to the Public Utility Holding Company Act of 1935, by International Utilities Corporation ("International"), a registered holding company, and its subsidiary, General Water Gas & Electric Company ("General Water"), also a registered holding company.

All interested persons are referred to said filings, which are on file at the offices of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

General Water proposes to redeem all of its outstanding \$3 Cumulative Preferred Stock, consisting of 67,957 shares, at the redemption price of \$52.50 per share plus accrued dividends to the date of redemption. Included in the 67,957 shares of such stock proposed to be redeemed are 4,255 shares owned by International. The funds to be used for the proposed redemption represent a portion of the proceeds received by General Water from the sale of its interests in certain of its subsidiary companies. General Water states that the terms of redemption provide that notice of redemption shall be given to each stockholder not less than thirty days previous to the date fixed for redemption.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration or application (or both), and that said declaration or application (or both) shall not become effective or be granted except pursuant to further order of the Commission.

It is ordered, That a hearing on said declaration or application (or both) under the applicable provisions of the act and the rules of the Commission thereunder be held on May 14, 1945 at 10:00 a. m., e. w. t., in the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented by said declaration or application (or both) particular attention will be directed to the following matters:

1. Whether the preferred stock of General Water held by International is entitled to be treated on a parity, under the standards of the act, with the publicly-held preferred stock of General Water.

2. Whether, and to what extent, it is necessary or appropriate in the public interest to impose terms or conditions in regard to the proposed transaction to insure compliance with the requirements of the act and the rules, regulations and orders promulgated thereunder.

3. Whether, in all other respects, the proposed transaction complies with all the applicable provisions and requirements of the act and the rules, regulations and orders promulgated thereunder.

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission on or before May 5, 1945, his request or application there-

for as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order to General Water and International by registered mail, and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 45-7136; Filed, May 1, 1945;
2:41 p. m.]

[File No. 1-518]

THE TORRINGTON CO.

ORDER GRANTING APPLICATION AND IMPOSING TERMS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of May, A. D. 1945.

The Torrington Company having filed an application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 adopted thereunder, to withdraw its common stock from listing and registration on the Boston Stock Exchange; a hearing having been held after appropriate notice, and the Commission being duly advised and having this day issued its findings and opinion herein;

On the basis of said findings and opinion and pursuant to section 12 (d) of said act,

It is hereby ordered, That said application be and hereby is granted, *Provided, however*, That withdrawal shall not become effective until ten days after the date when the applicant shall have filed with the Commission a certificate showing:

1. That the applicant has submitted the proposal to withdraw to all the holders of record of its outstanding common stock for their assent or dissent, on the basis of a soliciting statement which complies with section 14 of the act and the rules and regulations thereunder and which includes a copy of that part of the opinion herein entitled "Summary of Matters to be Considered by the Stockholders" together with the information that stockholders may obtain a full copy of the Commission's findings and opinion in this matter, without charge, upon request addressed to the Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania; and

2. That within 120 days from the date of the first mailing of such statement, not less than 50% of the total number of shares outstanding have been voted on the question of withdrawal, and that (a) the holders of record of a majority of the shares voted, and (b) a majority in number of the stockholders of record voting, have assented in writing to the withdrawal of such stock from listing and registration on the Boston Stock Exchange.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 45-7146; Filed, May 2, 1945;
9:41 a. m.]

[File No. 54-121]

UNITED PUBLIC UTILITIES CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of April, A. D. 1945.

United Public Utilities Corporation ("UPU"), a registered holding company, and Dakota Public Service Company ("Dakota"), a subsidiary of UPU, having filed a declaration-application and amendments thereto under the Public Utility Holding Company Act of 1935 and particularly sections 7 and 12 thereof and Rule U-42 thereunder, with respect to the issuance and sale by UPU to Bankers Trust Company of a \$3,750,000 principal amount promissory note, the payment by Dakota of \$500,000 to UPU in reduction of Dakota's note indebtedness to UPU and the application by UPU of the proceeds from such transactions together with other funds to redeem \$4,174,700 principal amount of its outstanding bonds; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said declaration-application be and the same hereby is permitted to become effective and is granted, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-7147; Filed, May 2, 1945;
9:41 a. m.]

[File No. 70-1047]

VIRGINIA ELECTRIC AND POWER CO.

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of May 1945.

Virginia Electric and Power Company, a subsidiary company of Engineers Public Service Company, a registered holding company, having filed with this Commission an application and amendments thereto for exemption from the provisions of section 6 (a) of the Public Utility Holding Company Act of 1935 pursuant to the third sentence of section 6 (b) of said act, of the proposed issue and sale, pursuant to the competitive bidding requirements of Rule U-50, of \$59,000,000 principal amount of its First and Refunding Mortgage Bonds, Series E, due March 1, 1975, the proceeds of such sale, together with funds held by the Indenture Trustee and general funds from the treasury of the company, to be used to redeem applicant's outstanding \$37,500,000 principal amount of First and Refunding Mortgage Bonds, Series B, 3½%, due 1968 at the current call price of 105 plus accrued interest, \$3,000,000 principal amount of First and Refunding Mortgage Bonds, Series C, 3½%, due 1971, at the current call price of 109 plus

accrued interest, and \$23,000,000 principal amount of First and Refunding Mortgage Bonds, Series D, 3%, due 1974, at the current call price of 106¼ plus accrued interest;

The Commission having on April 20, 1945 issued its order granting the application for exemption from the provisions of section 6 (a) of the act pursuant to section 6 (b) of the issue and sale of the \$59,000,000 principal amount of First and Refunding Mortgage Bonds, Series E, due March 1, 1975, subject to the condition, among others, that the proposed issuance and sale of said bonds not be consummated until the results of the competitive bidding pursuant to Rule U-50 had been made a matter of record in the proceeding and a further order had been entered by this Commission in the light of the record as so completed, jurisdiction having been reserved for this purpose;

Virginia Electric and Power Company having filed a further amendment to said application setting forth the action taken to comply with said Rule U-50 and stating that, pursuant to the public invitation for bids, two bids were received as follows:

Representatives of bidding groups	Price to company	Coupon rate	Cost to company
Stone & Webster and Blodgett, Incorporated.....	Percent 100.8229	Percent 2½	Percent 2.710
Halsey, Stuart & Co., Inc.....	100.3913	2½	2.731

and further stating that it has accepted the bid of Stone & Webster and Blodgett, Incorporated as set forth above and that the initial public offering price is to be 101.50% of the principal amount resulting in an underwriter's spread of .6771% and resulting in an aggregate initial offering price of \$59,885,000, an aggregate underwriter's spread of \$399,489 and aggregate proceeds to the company of \$59,485,511;

Said amendment further stating that the First and Refunding Mortgage Bonds, Series E, due March 1, 1975, will be redeemable at the scale of redemption prices set forth in said amendment;

The Commission having examined the amendment and having examined the record herein and finding no basis for imposing terms and conditions with respect to the price to be paid to the company, the interest rate and the underwriter's compensation and allocation thereof;

It is ordered, That said application, as amended, for exemption from the provisions of section 6 (a) of the act pursuant to section 6 (b) of the issue and sale of the First and Refunding Mortgage Bonds, Series E, due March 1, 1975, be and hereby is granted, subject to the terms and conditions prescribed in Rule U-24 and subject also to condition (2) of the Commission's order of April 20, 1945 in this matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-7148; Filed, May 2, 1945;
9:40 a. m.]

[File No. 812-31]

THE HUDSON TRADING & INVESTING CORP.
ORDER EXTENDING TEMPORARY EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Philadelphia, Pa., on the 30th day of April, A. D. 1945.

The Hudson Trading & Investing Corporation, an unregistered investment company, hereinafter called the applicant, having filed an application pursuant to section 6 (c) of the Investment Company Act of 1940, for an exemption from all of the provisions of said Act, and this Commission by order dated May 1, 1941 having granted a temporary exemption under section 6 (c) from all the provisions of said act until May 1, 1942, and extensions of such temporary exemption having been granted by Orders of the Commission annually thereafter, and the present exemption of applicant from all of the provisions of the Investment Company Act of 1940 granted by the Commission by order dated April 29, 1944, being about to expire on May 1, 1945; and

The said order dated April 29, 1944 having been granted without prejudice to the right of the applicant to apply on or before May 1, 1945 for an extension of such temporary exemption; and

The said Applicant on April 12, 1945 having filed an application for an order pursuant to section 6 (c) of the Investment Company Act of 1940 extending said temporary exemption, and having also submitted an undertaking to furnish the Commission with information upon the occurrence of certain changes in respect of a certain promissory note, the voting trust and any other material changes in its situation; and

A hearing having been held on said application, and the applicant having shown that the facts disclosed in the findings entered in connection with the original application have not materially changed,

It is therefore ordered, That the exemption from all of the provisions of the Investment Company Act of 1940 be extended for one year to the First day of May, 1946, without prejudice to the right of the applicant to apply on or before that date for an extension of time during which this order shall be effective, and

It is further ordered, That, if at any time, the facts disclosed in the Commission's findings should change materially, the Commission may upon its own motion or upon application by order, after notice and opportunity for hearing, modify or revoke this order.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-7149; Filed, May 2, 1945;
9:40 a. m.]

[File No. 70-1068]

AMERICAN POWER & LIGHT CO. AND TEXAS
POWER & LIGHT CO.ORDER GRANTING APPLICATION, AS AMENDED,
AND PERMITTING DECLARATION, AS
AMENDED, TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pennsylvania, on the 30th day of April, A. D. 1945.

American Power & Light Company ("American"), a subsidiary of Electric Bond and Share Company, both registered holding companies, and American's subsidiary, Texas Power & Light Company ("Texas"), having filed a joint application-declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935 and the Rules promulgated thereunder, particularly sections 6 (a) (2), 7, 10, 12 (c) and 12 (f) of the act and Rules U-42 and U-45 promulgated thereunder regarding the transfer by American to Texas of 1,500,000 shares of Texas' no par common stock and the restatement by the latter of the remaining 2,500,000 shares of its outstanding no par common stock (all owned by American) at \$6 per share, the cancellation by Texas of said 1,500,000 shares of its common stock received from American and the creation thereby on the books of Texas of a capital surplus of \$5,000,000; and

Said joint application-declaration having been filed on April 21, 1945, an amendment thereto having been filed on April 24, 1945, notice of filing having been given in the form and manner prescribed in Rule U-23 under the act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming that no adverse findings under the applicable sections of the act and the rules promulgated thereunder are necessary herein, and finding it appropriate in the public interest and the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective.

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said joint application-declaration, as amended, be and hereby is granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-7150; Filed, May 2, 1945;
9:40 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[ODT Certificate S-10]

CHICAGO, ILL., AND LOS ANGELES, CALIF.;
CHICAGO, ILL., AND DENVER, COLO.; AND
DENVER, COLO., AND LOS ANGELES, CALIF.
SUBSTITUTION OF RAIL FOR MOTOR COMMON
CARRIER SERVICE

Pursuant to Executive Orders 8989, as amended, and 9156, and in order to provide for the conservation and more efficient utilization of vital transportation facilities, and to prevent and alleviate traffic congestion,

I hereby find and certify that the substitution of rail transportation for that of motor common carrier between Chicago, Illinois, and Los Angeles, California, between Chicago, Illinois, and Denver, Colorado, and between Denver, Colorado, and Los Angeles, California, by Ringsby Truck Lines, Incorporated, a motor common carrier, will not adversely affect the transportation of freight by railroad and will aid in conserving motor carrier transportation facilities.

Issued at Washington, D. C., this 30th day of April 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-7124; Filed, May 1, 1945;
12:39 p. m.]

[Supp. Order ODT 3, Rev. 662]

ALABAMA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

¹ Filed as part of the original document.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective May 7, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the

Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 2d day of May 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

F. F. Clark, doing business as Clark Truck Line, Elba, Ala.

Flournoy Whitman, doing business as Whitman Truck Line, Elba, Ala.

D. B. Nelson, doing business as Nelson Truck Line, Elba, Ala.

Curry Taylor, doing business as Taylor Truck Line, Elba, Ala.

Wilson Bragg, doing business as Bragg Truck Line, Elba, Ala.

[F. R. Doc. 45-7127; Filed, May 1, 1945; 12:40 p. m.]

[Supp. Order ODT 3, Rev. 665]

PENNSYLVANIA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

¹ Filed as part of the original document.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective May 7, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 2d day of May 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Bernard F. Rauch, doing business as B. F. Rauch Co., Hanover, Pa.

Hartman's Lebanon Transportation Co., Steelton, Pa.

[F. R. Doc. 45-7128; Filed, May 1, 1945; 12:40 p. m.]

[Supp. Order ODT 3, Rev. 666]

PITTSBURGH, PA., AREA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such

diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective May 7, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 2d day of May 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Harry H. Nicklaus, doing business as South Side Transfer & Storage Co., Pittsburgh, Pa.
Chas. C. Rosen, Pittsburgh, Pa.

[F. R. Doc. 45-7129; Filed, May 1, 1945;
12:40 p. m.]

[Supp. Order ODT 3, Rev. 667]

LANCASTER COUNTY, PA.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation

¹ Filed as part of the original document.

of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective May 7, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 2d day of May 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

George F. Hostetter, doing business as Keystone Express and Storage Co., Lancaster, Pa.
A. J. Kohler, doing business as Lancaster County Motor Express, Lancaster, Pa.

[F. R. Doc. 45-7130; Filed, May 1, 1945;
12:41 p. m.]

[Supp. Order ODT 3, Rev. 678]

VIRGINIA

COORDINATED OPERATIONS OF
CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forth-

with shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

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7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective May 7, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 2d day of May 1945.

GUY A. RICHARDSON,
Director,

Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Dave Compton, doing business as O. D. Compton Freight Line, Roanoke, Va.
Mundy Motor Lines, Roanoke, Va.
Associated Transport, Inc. New York, N. Y.

[F. R. Doc. 45-7131; Filed, May 1, 1945; 12:41 p. m.]

[Supp. Order ODT 3, Rev. 679]

VIRGINIA

COORDINATED OPERATIONS OF CERTAIN
CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in

Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

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5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective May 7, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 2d day of May 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Dave Compton, doing business as O. D. Compton Freight Line, Roanoke, Va.
Associated Transport, Inc., New York, N. Y.
Abram Jerome Novick, doing business as Novick Transfer Co., Winchester, Va.
Red Line, Inc., Roanoke, Va.

[F. R. Doc. 45-7132; Filed, May 1, 1945; 12:41 p. m.]

[Supp. Order ODT 3, Rev. 686]

NEW YORK

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,¹ and

¹ Filed as part of the original document.

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

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2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

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This order shall become effective May 7, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 2d day of May 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Joseph V. Siciliano, Carmine Esposito, and Thomas Zinzi, copartners, doing business as New York & Albany Despatch Co., New York, N. Y.

McArdle & Casazza Trucking Co., Inc., Albany, N. Y.

[F. R. Doc. 45-7133; Filed, May 1, 1945; 12:42 p. m.]

[Supp. Order ODT 3, Rev. 691]

CHICAGO, ILL. AND INDIANAPOLIS, IND.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the

prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective May 7, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 2d day of May 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Motor Express Inc., of Indiana, Indianapolis, Ind.

Michigan Motor Freight Lines, Inc., Detroit, Mich.

[F. R. Doc. 45-7134; Filed, May 1, 1945; 12:42 p. m.]

[Supp. Order ODT 6A-56, Amdt. 1]

CHICAGO, ILL., AREA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a petition filed with the Office of Defense Transportation by the person named below, and good cause appearing therefor,

It is hereby ordered, That Supplementary Order ODT 6A-56 (9 F.R. 12665), be, and it hereby is, amended by adding to Appendix 1 thereof the following person as a carrier subject to the said order:

Chas. Lenz, Cicero, Illinois.

This amendment shall become effective on May 7, 1945.

Issued at Washington, D. C., this 2d day of May 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

[F. R. Doc. 45-7135; Filed, May 1, 1945; 12:42 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 260, Order 829]

V. REY CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) V. Rey Cigar Company, 912½ Buffalo, Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
V. Rey.....	Cadetes.....	50	Per M \$40	Cents 5

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1945.

Issued this 30th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7028; Filed, Apr. 30, 1945;
4:51 p. m.]

[MPR 260, Order 830]

TAMARGO CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Tamargo Cigar Factory, 1917 15th Street, Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
El Torero.....	Coronas.....	50	Per M \$44	Cents 2 for 11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on

sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1945.

Issued this 30th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7029; Filed, Apr. 30, 1945;
4:50 p. m.]

[MPR 260, Order 831]

TAMPA HAVE IT CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Tampa Have It Cigar Company, 1918 9th Avenue, Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Tampa Have It.....	Corona Chica.....	50	Per M \$105	Cents 14
	Sublimes.....	50	48	6
	Brevas.....	50	146	19
	Regulares.....	50	60	2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing dif-

ferentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed in § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1945.

Issued this 30th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7030; Filed, Apr. 30, 1945;
4:50 p. m.]

[MPR 260, Order 837]

BAER-WOLF Co.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) Baer-Wolf Co., 1243 W. 3 St., Cleveland 13, Ohio (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Particulares.....	Twenty.....	50	Per M \$161.50	Cents 20
	Cadets.....	25	176.00	22
	Bankers.....	25	212.25	28
	Panetelas.....	50	154.00	3 for 55

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1945.

Issued this 30th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7031; Filed, Apr. 30, 1945;
4:54 p. m.]

[MPR 260, Order 838]

B. WASSERMAN CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) B. Wasserman Co., 261 Fifth Ave., New York 16, N. Y. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
H. Upmann.....	Mayores.....	25	\$308.00	39
	Monarchs.....	25	330.00	44
	Sublimes.....	25	246.25	33
	Campanitas.....	25	260.00	35

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1945.

Issued this 30th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7032; Filed, Apr. 30, 1945;
4:54 p. m.]

[MPR 260, Order 839]

MID-CITY TOBACCO CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) Mid-City Tobacco Co., Weightman Bldg., Philadelphia 2, Pa. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Viamonte....	Crema.....	25	\$190	25
	Medias Corona.....	25	190	25
	Londres.....	50	150	20
	Conchas.....	50	145	3 for 55
	Panetelas.....	50	150	20
	Panetelitas.....	50	135	18

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1945.

Issued this 30th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7023; Filed, Apr. 30, 1945;
4:53 p. m.]

[MPR 260, Order 840]

ALFREDO GONZALEZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) Alfredo Gonzales, 610 W. 142 St., New York 31, N. Y. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Lopez del Real..	Petit Corona..	25	Per M \$212.50	Cents 28
	Modernistas..	50	135.00	18

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price

class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1945.

Issued this 30th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7034; Filed, Apr. 30, 1945;
4:53 p. m.]

[MPR 260, Order 841]

PUERTO RICO COMMERCE & INDUSTRY ASSOCIATION

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) Puerto Rico Commerce & Industry Assn., 225 Broadway, New York, N. Y. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
De Oro.....	Crema.....	25	Per M \$190.00	Cents 25
	Londres.....	25	169.25	22
	Petit Centros.....	25	176.00	22
	Perfectos.....	25	199.00	28
	Pantelas.....	50	135.00	18
	Conchas.....	50	135.00	18

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1945.

Issued this 30th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7035; Filed, Apr. 30, 1945;
4:53 p. m.]

[MPR 260, Order 842]

JOAN PATZIG

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) Joan Patzig, 60 N. E. 5 St., Miami, Fla. (hereinafter called "importer") and

wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Gispert	Panetelas	50	Per M \$135.00	Cents 17
	Lollitas	50	161.50	20
	Londres	50	161.50	20
	Consuls	25	161.50	20
	Coronels	25	176.00	22
	Britanicas	25	190.00	25
	Bristols Chicos	25	261.75	33

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1945.

Issued this 30th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7036; Filed, Apr. 30, 1945;
4:53 p. m.]

[MPR 260, Order 843]

THE FAIR

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) The Fair, State, Adams & Dearborn, Chicago 3, Ill. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
R. Beneditt	Corona Beneditt	25	Per M \$245.00	Cents 33
Cacique	Londres	50	190	20

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the pur-

chaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1945.

Issued this 30th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7037; Filed, Apr. 30, 1945;
4:52 p. m.]

[MPR 260, Order 844]

B. & H. SALES CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) B. & H. Sales Co., 19 Rector Street, New York 6, N. Y. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Arabe-Ledo	Panetelas	50	Per M \$135.00	Cents 18
	Palmitas	50	95	2 for 25

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class

not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1945.

Issued this 30th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7038; Filed, Apr. 30, 1945;
4:52 p. m.]

[MPR 260, Order 845]

N. RICE DRUG & CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered, That:*

(a) N. Rice Drug & Cigar Co., 1316-22 Forbes Street, Pittsburgh, Pa. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
El Coral.....	Habaneros....	25	Per M \$165	Cents 22

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein re-

sults in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1945.

Issued this 30th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7039; Filed, Apr. 30, 1945;
4:52 p. m.]

[MPR 260, Order 846]

CONTINENTAL IMPORT & EXPORT CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended, *It is ordered, That:*

(a) Continental Import & Export Corporation, Suite 1904, 1501 Broadway, New York 18, N. Y. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
La Flor de Gavilla.	Coronas Glorias....	25	Per M \$195.00	25
	Coronas Victoria....	25	212.50	28
	Londres.....	50	145.00	3 for 55

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1945.

Issued this 30th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7040; Filed, Apr. 7, 1945;
4:51 p. m.]

[MPR 260, Order 847]

CARLOS M. PEREZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended, *It is ordered, That:*

(a) Carlos M. Perez, 1256 60 Street, Brooklyn 19, N. Y. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
El Coloso...	Conchas.....	50	\$145.00	3 for 55
	Coloso de Delicias.....	50	135.00	18
	Coloso de Londres.....	25	176.00	22
	Fumitas.....	50	135.00	18
	Nacionales.....	25	212.25	28
	Petit Cetros.....	25	190.00	25
	Londres.....	25	176.00	22
	Panetelas.....	50	135.00	18
	Delicias.....	50	135.00	18
	Petit Cetros.....	25	190.00	25
La Hoja Selecta.	Londres.....	25	176.00	22
	Panetelas.....	50	135.00	18

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this

order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1945.

Issued this 30th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7041; Filed, Apr. 30, 1945; 4:51 p. m.]

[MPR 260, Order 848]

LINLY O. CURRY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered, That:*

(a) Linly O. Curry, 703 W. Central Avenue, Orlando, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Santa Grande....	Selectos.....	50	Per M \$64	Cents 8

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in

March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1945.

Issued this 30th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7042; Filed, Apr. 30, 1945; 4:51 p. m.]

[MPR 260, Order 849]

MERVIN K. STRICKLER

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered, That:*

(a) Mervin K. Strickler, R. D. #1, York Haven, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Stricker's Special Hand Made.	King's size....	50	Per M \$64	Cents 8

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manu-

facturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1945.

Issued this 30th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7043; Filed, Apr. 30, 1945;
4:49 p. m.]

[MPR 260, Order 850]

VICTORY CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

(a) Victory Cigar Factory, 2144 Main Street, Tampa 7, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
El Romano.	Delicious.....	50	Per M \$101.25	2 for 27
	Londres Grandes....	50	115.00	15
	Zambys.....	50	115.00	15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1945.

Issued this 30th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7044; Filed, Apr. 30, 1945;
4:50 p. m.]

[MPR 260, Order 851]

MANUEL CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

(a) Manuel Cigar Factory, 2135 Main Street, Tampa 7, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Manuel Cigar Factory.	Brevas.....	50	Per M \$169	22
	Corona.....	50	56	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by

§ 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1945.

Issued this 30th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7045; Filed, Apr. 30, 1945;
4:49 p. m.]

[MPR 260, Order 853]

CHARLES H. RINEHART

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

(a) Charles H. Rinehart, 2d Street, Bethesda, Ohio (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Josiah Peet	Perfecto	50	\$48	6
Cannon Ball	do.	50	48	6
Charles Gordon	do.	50	48	6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order

is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 1, 1945.

Issued this 30th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7046; Filed, Apr. 30, 1945;
4:49 p. m.]

BOWYER & MCCLINTIC, c/o A. T. MASSEY, AGENT, RICHMOND TRUST BLDG., RICHMOND, VA., BOWYER & MCCLINTIC MINE, FIRE CREEK SEAM, MINE INDEX NO. 1028, GREENBRIER COUNTY, W. VA., SUBDISTRICT 1, RAIL SHIPPING POINT: SPRINGDALE, W. VA., DEEP & STRIP MINE

	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
Price classification	D	D	C	A	A	B	B	B	B	B
Rail shipment	380	390	400	355	345	380	350	320	315	310
Truck shipment	465	385	415	350	335	330				

HUBERT GARLAND, LEX, McDOWELL COUNTY, W. VA., HOPE POLO No. 1 MINE, WELCH SEAM, MINE INDEX NO. 1016, McDOWELL COUNTY, W. VA., SUBDISTRICT 4, RAIL SHIPPING POINT: GARLAND, W. VA., DEEP MINE

Price classification	B	B	A	A	A	B	B	D	D	D
Rail shipment	395	405	410	355	345	380	350	310	305	300
Truck shipment	465	385	415	350	335	330				

THE NEW RIVER CO., FAYETTEVILLE, W. VA., GARDEN GROUND MINE, SEWELL SEAM, MINE INDEX NO. 1060, FAYETTE COUNTY, W. VA., SUBDISTRICT 2, RAIL SHIPPING POINT: GARDEN GROUND, W. VA., STRIP MINE

Price classification	A	A	A	A	A	A	B	B	B	B
Rail shipment	435	445	410	355	345	380	350	320	315	310
Truck shipment	465	385	415	350	335	330				

VALLEY COAL CO., c/o C. W. WITHROW, ALDERSON, W. VA., VALLEY MINE, SEWELL SEAM, MINE INDEX NO. 1046, GREENBRIER COUNTY, W. VA., SUBDISTRICT 1, RAIL SHIPPING POINT: DUO, W. VA., DEEP MINE

Price classification	D	D	C	A	A	B	B	F	F	F
Rail shipment	380	390	400	355	345	380	350	300	295	290
Truck shipment	465	385	415	350	335	330				

V. L. ALLEN CO., PRINCETON, W. VA., ALLEN GREENLAND MINE, SEWELL SEAM, MINE INDEX NO. 1061, GREENBRIER COUNTY, W. VA., SUBDISTRICT 1, RAIL SHIPPING POINT: GREENLAND SIDING (DUO), W. VA., STRIP MINE

Price classification	D	D	C	A	A	B	B	C	C	C
Rail shipment	380	390	400	355	345	380	350	315	310	305
Truck shipment	465	385	415	350	335	330				

Railroad locomotive fuel: For the following Mine Index Nos. 1038, 1016, 1060, 1046 and 1061:	
Any single-screened lump or double-screened coals	265
Run of mine	350
Screenings, larger than 1 1/4" x 0 but not exceeding 2 1/4" x 0	331
Screenings 1 1/4" x 0 and smaller	310

[MPR 120, Order 1361]

BOWYER & MCCLINTIC, ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered*:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. It is in District No. 7. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.218 and all other provisions of Maximum Price Regulation No. 120.

IONNUM COAL CO., ROUTE NO. 3, PITTSBURG, KANS., IONNUM COAL CO. MINE, UNNAMED SEAM, MINE INDEX NO. 2037, CRAWFORD COUNTY, KANS., PROD. GROUP NO. 1, STRIP MINE.

	Size group Nos.													
	1, 2, 3	4	5	6	7	8	9	10	11	12	13	14	15	
Truck shipment.....	335	335	310	295	280	285	295	270	245	230	220	210	210	

This order shall become effective May 2, 1945.

(56 Stat. 23, 765; 57 Stat. 536; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7099; Filed, May 1, 1945; 11:54 a. m.]

[MPR 120, Order 1363]

HUDDLESTON COAL CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; It is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 13.

HUDDLESTON COAL CO., 1029 19TH ST., SOUTH BIRMINGHAM 5, ALA., HUDDLESTON MINE, AMERICA SEAM, MINE INDEX NO. 240, JEFFERSON COUNTY, ALA., RAIL SHIPPING POINT: PRATT CITY, ALA., DEEP AND STRIP MINE, MAXIMUM PRICE GROUP NO. 4 FOR RAIL SHIPMENTS AND RAILROAD FUEL, MAXIMUM TRUCK PRICE GROUP NO. 6

	Size group Nos.											
	1 to 5 incl.	6, 8, 10	7, 9, 11	12, 14, 15, 16	13, 19, 20, 21	17, 18	22, 23					
Rail shipment and railroad fuel.....	425	415	405	405	395	395	385					
Truck shipment.....	435	430	420	400	390	405	385					

R. E. BURDETTE, 807 2ND AVE., SO., BIRMINGHAM, ALA., BURDETTE MINE, HARKNESS SEAM, MINE INDEX NO. 2081, JEFFERSON COUNTY, ALA., RAIL SHIPPING POINT: MCCOMB, ALA., DEEP MINE, MAXIMUM PRICE GROUP NO. 4 FOR RAIL SHIPMENTS AND RAILROAD FUEL, MAXIMUM TRUCK PRICE GROUP NO. 6

	Size group Nos.											
	1 to 5 incl.	6, 8, 10	7, 9, 11	12, 14, 15, 16	13, 19, 20, 21	17, 18	22, 23					
Rail shipment and railroad fuel.....	425	415	405	405	395	395	385					
Truck shipment.....	435	430	420	400	390	405	385					

MOSS & MCCORMACK COAL CO., BIRMINGHAM, ALA., JAGGER MINE, JAGGER SEAM, MINE INDEX NO. 2031, WALKER COUNTY, ALA., RAIL SHIPPING POINT: NAVOJO, ALA., STRIP MINE, MAXIMUM PRICE GROUP NO. 1 FOR RAIL SHIPMENTS AND RAILROAD FUEL, MAXIMUM TRUCK PRICE GROUP NO. 7

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Rail shipment and railroad fuel.....	355	355	345	345	335	345	345	330	340	340	345	335	335	335	335
Truck shipment.....	345	345	335	335	325	335	335	320	330	330	335	325	325	325	345

¹ Previously established.

This order shall become effective May 2, 1945.

(56 Stat. 23, 765; 57 Stat. 536; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7098; Filed, May 1, 1945; 11:53 a. m.]

[MPR 120, Order 1363]

GEORGE F. HOPPER, ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; It is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 120.

GEORGE F. HOPPER, 309 CHRISTOPHER ST., WARRENSBURG, MO., HOPPER NO. 1 MINE, UNNAMED SEAM, MINE INDEX NO. 2033, BATES COUNTY, MO., PROD. GROUP NO. 2, RAIL SHIPPING POINT: RICHILL, MO., STRIP MINE

	Size group Nos.													
	1, 2, 3	4	5	6	7	8	9	10	11	12	13	14	15	
Rail shipment.....	285	285	285	285	275	260	265	265	245	210	200	165	140	
Truck shipment.....	325	325	300	285	270	265	265	260	260	245	245	225	110	

Railroad locomotive fuel:
Any size not specifically listed..... 270
2 x 0 washed or unwashed..... 230
3 x 0 stocker screenings with 1/4 of fines removed..... 235

GEORGE F. HOPPER, 309 CHRISTOPHER ST., WARRENSBURG, MO., HOPPER NO. 2 MINE, UNNAMED SEAM, MINE INDEX NO. 2034, JOHNSON COUNTY, MO., PROD. GROUP NO. 2, RAIL SHIPPING POINT: WARRENSBURG, MO., STRIP MINE

	Size group Nos.													
	1, 2, 3	4	5	6	7	8	9	10	11	12	13	14	15	
Rail shipment.....	285	285	285	285	275	260	265	265	245	210	200	165	140	
Truck shipment.....	325	325	300	285	270	265	265	260	260	245	245	225	110	

Railroad locomotive fuel:
Any size not specifically listed..... 270
2 x 0 washed or unwashed..... 230
3 x 0 stocker screenings with 1/4 of fines removed..... 235

DUN & MORGAN COAL CO., HARTSHORNE, OKLA., DUN & MORGAN MINE, MCALISTER SEAM, MINE INDEX NO. 2035, LATIMER COUNTY, OKLA., PROD. GROUP NO. 7, RAIL SHIPPING POINT: RED OAK, OKLA., STRIP MINE

	Size group Nos.												
	1, 2, 3	4	5	6	7	8	9	10	11	12	13	14	15
Rail shipment.....	575	520	520	450	285	285	285	270	240	240	240	215	135
Truck shipment.....	500	510	510	460	285	285	285	270	240	240	240	215	135

Railroad locomotive fuel: (any size) 270.

This order shall become effective May 2, 1945.

(56 Stat. 23, 765; 57 Stat. 536; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4631)

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7100; Filed, May 1, 1945;
11:54 a. m.]

[MPR 188, Order 87 Under 2d Rev. Order A-3]

BILTWELL CHAIR AND FURNITURE CO.
ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Second Revised Order A-3 under § 1499.159b of Maximum Price Regulation No. 188, It is ordered:

(a) *Manufacturer's maximum prices.* Biltwell Chair and Furniture Company, Denton, North Carolina, may add the following adjustment charges to its maximum prices for sales and deliveries to school distributors of the articles listed below which it manufactures, resulting in the following adjusted maximum prices:

Article	Model No.	Maximum price	Adjustment charge permitted by this order	Total adjusted maximum price
Chair.....	12	\$1.45	\$0.27	\$1.72
	14	1.55	.33	1.88
	16	2.15	.23	2.38
	18	2.45	.47	2.92
TA arm chair.....	20	3.75	.85	4.60

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary discounts, allowances, and other price differentials in effect during March 1942 on sales to school distributors.

(b) *Maximum prices of purchasers for resale.* A person who buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect prior to the issuance of this order, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he did not establish a maximum price for the article before the issuance of this order, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (without the adjustment charge) by using as cost his invoice cost not including any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer, this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted prices are

subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, for the sale of an article covered by this order, at a price adjusted in accordance with this order, the seller must notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the articles.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 2d day of May 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7112; Filed, May 1, 1945;
11:51 a. m.]

[MPR 188, Order 92 Under Order A-2]

BILTWELL CHAIR AND FURNITURE CO.
ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Order A-2 under § 1499.159b of Maximum Price Regulation No. 188, It is ordered:

(a) *Manufacturer's maximum prices.* Biltwell Chair and Furniture Company, Denton, North Carolina, may add the following additional adjustment charge to its maximum prices in effect prior to the issuance of this order for sales and deliveries to all classes of purchasers of the articles listed below, which it manufactures:

Article	Model No.	Additional adjustment charge permitted by this order
Porch rocker.....	603	\$0.48

This additional adjustment charge may be made and collected only if it is separately stated on each invoice, and is in addition to any adjustment charge permitted by paragraph (d) of Order No. 1052, under Maximum Price Regulation No. 188. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942.

(b) *Maximum prices of purchasers for resale.* A person who buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect prior to the issuance of this order, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he did not establish a maximum price for the article before the issuance of this order, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the ap-

plicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (without the adjustment charge) by using as cost his invoice cost not including any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer, this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted prices are subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles. The adjustment charge authorized in this paragraph (b) is in addition to any adjustment charge permitted for wholesalers by Order No. 1052 under Maximum Price Regulation No. 188.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order for the sale of the article covered by this order, at a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the articles. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 2d day of May 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7114, Filed, May 1, 1945;
11:55 a. m.]

[MPR 188, Order 93 Under Order A-2]

WASHBURN FURNITURE CO., INC.
ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to Paragraph (a) (16) of Order A-2 under § 1499.159b of Maximum Price Regulation No. 188, It is ordered:

(a) *Manufacturer's maximum prices.* Washburn Furniture Co., Inc., Monticello, Indiana, may add the following additional adjustment charges to its maximum prices for sales and deliveries to jobbers of the articles listed below which it manufactures, resulting in the following adjusted maximum prices:

Article	Maximum price	Adjustment permitted by paragraph (d) of order 1052	Additional adjustment permitted by this order	Total adjusted maximum price to jobbers
Kneehole desk model 165/1.	Each \$9.98	\$0.50	\$0.50	Each \$10.98
Kneehole desk model 165/2.	9.98	.50	.55	11.03
Kneehole desk, model 192/1.	9.72	.49	.23	10.44

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, and allowances in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect prior to the issuance of this order, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he did not establish a maximum price for the article before the issuance of this order, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (without the adjustment charge) by using as cost his invoice cost not including any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer, this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted prices are subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles. The adjustment charge authorized in this paragraph (b) is in addition to any adjustment charge permitted for wholesalers by Order No. 1052 under Maximum Price Regulation No. 188.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining maximum prices for resales of the articles. This notice may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 2d day of May 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7115; Filed, May 1, 1945;
11:55 a. m.]

[MPR 188, Order 88 Under 2d Rev. Order A-3]
EAGLE WOODENWARE MANUFACTURING CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and

No. 88—14

filed with the Division of the Federal Register, and pursuant to Second Revised Order A-3 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* The Eagle Woodenware Manufacturing Company of Hamilton, Ohio, may sell and deliver the articles, listed below, which it currently manufactured at prices no higher than its net maximum prices for such sales in effect immediately prior to the effective date of this order, plus the amount of the following charges.

Article:	Adjustment charge (per dozen)
Victory eagle mop wringer (14 qt.) with wooden pail	\$0.36
Victory eagle mop wringer (22 qt.) with wooden pail	.10

These adjustment charges may be made and collected only if stated separately. The adjusted prices are subject to the manufacturer's customary discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Notification.* The Eagle Woodenware Manufacturing Company shall furnish to each of its purchasers an invoice containing the following notice:

NOTICE OF OPA ADJUSTMENT

Order No. 88 under Second Revised Order A-3 under MPR 188 authorizes us to adjust our ceiling prices, in effect immediately prior to May 2, 1945, by adding no more than the exact dollars-and-cents amount of the adjustment charge appearing on this invoice, provided that amount is separately stated on an invoice which contains this notice. No other increase is authorized.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 2d day of May 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7113; Filed, May 1, 1945;
11:56 a. m.]

[MPR 188, Order 29 Under Order 1052]

BILTWELL CHAIR AND FURNITURE CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (h) of Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188, It is ordered:

(a) Biltwell Chair and Furniture Company, Denton, North Carolina, may add the following additional adjustment charges to its maximum prices for sales and deliveries to the classes of purchasers specified of the articles listed below which it manufactures, resulting in the following adjusted maximum prices:

Article	Model No.	Maximum price	Adjustment permitted by paragraph (d) of Order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum price
For sales to jobbers and car-load purchasers					
Suite, table and 4 chairs.	203/73	\$11.20	\$0.56	\$2.86	\$14.62
	203/86	12.00	.60	3.10	15.70
	217/73	11.20	.56	2.82	14.58
	217/86	12.00	.60	3.06	15.66
	223/73	12.84	.64	3.10	16.58
Finished chair.....	223/86	13.64	.68	2.79	17.11
	2W	1.22	.06	.63	1.91
	862-S	1.73	.09	.07	1.89
	50-S	1.00	.05	.45	1.50
For sales to retailers other than car-load purchasers					
Suite, table and 4 chairs.	203/73	\$11.90	\$0.60	\$2.86	\$15.36
	203/86	12.75	.64	3.10	16.49
	217/73	11.90	.60	2.82	15.32
	217/86	12.75	.64	3.06	16.45
	223/73	13.64	.68	3.10	17.42
Finished chair.....	223/86	14.49	.72	2.79	18.00
	2W	1.30	.07	.63	2.00
	862-S	1.84	.09	.07	2.00
	50-S	1.06	.06	.45	1.57

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect prior to the issuance of this order, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he did not establish a maximum price for the article before the issuance of this order, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (without the adjustment charge) by using as cost his invoice cost not including any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer, this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted prices are subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles. The adjustment charge authorized in this paragraph (b) is in addition to any adjustment charge permitted for wholesalers by Order No. 1052 under Maximum Price Regulation No. 188.

(c) *Notification.* At the time of, or prior to, the first invoice to a purchaser

for resale, on and after the effective date of this order for the sale of an article covered by this order, at a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the articles. This notice may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 2d day of May 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7103; Filed, May 1, 1945;
11:58 a. m.]

[MPR 188, Order 30 Under Order 1052]

ATLUMOR MANUFACTURING CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (h) of Order No. 1052, under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* Atlumor Manufacturing Company, Knoxville, Tennessee, may add the following additional adjustment charges to its maximum prices for sales and deliveries to retailers of the articles listed below which it manufactures, resulting in the following adjusted maximum prices:

Article	Model No.	Maximum price	Adjustment permitted by paragraph (d) of Order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum price
Bed.....	311 mahogany...	\$5.95	\$0.30	\$1.37	\$7.62
	321 mahogany...	8.95	.45	.60	10.00
	341 mahogany...	8.95	.45	.60	10.00

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of retailers.* A retailer who buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect prior to the issuance of this order, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to the manufacturer. If he did not establish a maximum price for the article before the issuance of this order, he may add the same adjustment charge to the maximum

price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the retailer must find his maximum resale price (without the adjustment charge) by using as cost, his invoice cost not including any adjustment which is stated on the invoice as a separate amount. The resale prices so adjusted are subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of or prior to the first invoice to a retailer, on and after the effective date of this order, showing a price adjusted in accordance with the terms of this order, the manufacturer shall notify the retailer, in writing, of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the article. This notice may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 2d day of May 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7104; Filed, May 1, 1945;
11:56 a. m.]

[MPR 188, Order 31 Under Order 1052]

WILLIAMSBURG CHAIR FACTORY

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to paragraph (h) of Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* Williamsburg Chair Factory, Williamsburg, Ohio, may add the following adjustment charge to its maximum price for sales and deliveries to retailers of the article listed below which it manufactures, resulting in the following adjusted maximum price:

Article	Model No.	Maximum price	Adjustment permitted by paragraph (d) of Order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum price
Chair (unfinished).	28-S	\$1.05	\$0.05	\$0.25	\$1.35

The adjustment charge listed above may be made and collected only if it is separately stated on each invoice. The adjusted maximum price is subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of retailers.* A retailer who buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly estab-

lished maximum price in effect prior to the issuance of this order, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to the manufacturer. If he did not establish a maximum price for the article before the issuance of this order, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the retailer must find his maximum resale price (without the adjustment charge) by using as cost his invoice cost but not including any adjustment charge which is stated on the invoice as a separate amount.

The adjusted price is subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of or prior to the first invoice to a retailer on and after the effective date of this order, showing a price adjusted in accordance with the terms of this order, the manufacturer shall notify the retailer in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the articles. This notice may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 2d day of May 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7105; Filed, May 1, 1945;
11:56 a. m.]

[MPR 188, Order 32 Under Order 1052]

C. B. ATKIN CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to paragraph (h) of Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* C. B. Atkin Company, Knoxville, Tennessee, may add the following adjustment charges to its maximum prices for sales and deliveries to retailers of the articles listed below which it manufactures, resulting in the following adjusted maximum prices:

Article	Model No.	Maximum price	Adjustment permitted by paragraph (d) of Order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum price to retailers
Bed.....	15	\$7.62	\$0.35	\$0.80	\$8.77
Vanity.....	2361	19.00	.95	1.50	21.45
Chest.....	2360	12.20	.61	1.83	14.64

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice.

The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, and allowances in effect during March, 1942, on sales to each class of purchaser.

(b) *Maximum prices of retailers.* A retailer who purchases an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect prior to the issuance of this order, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to the manufacturer. If he did not establish a maximum price for the article before the issuance of this order, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the retailer must find his maximum resale price (without the adjustment charge) by using as cost his invoice cost but not including and adjustment charge which is stated on the invoice as a separate amount.

The maximum prices so adjusted are subject to each seller's customary terms, discounts and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of or prior to the first invoice to a retailer on and after the effective date of this order, showing a price adjusted in accordance with the terms of this order, the manufacturer shall notify the retailer in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the articles. This notice may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 2d day of May 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7106; Filed, May 1, 1945;
11:56 a. m.]

[MPR 188, Order 33 Under Order 1052]

GLEN DESKS, INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to paragraph (h) of Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* Glen Desks, Inc., Glen Rock, Pennsylvania, may add the following additional adjustment charges to its maximum

prices for sales and deliveries to retailers of the articles listed below which it manufactures, resulting in the following adjusted maximum prices:

Article	Model No.	Maximum price	Adjustment permitted by paragraph (d) of order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum prices to retailers
Dresser.....	210	\$10.78	\$0.54	\$0.69	\$12.01
Chest.....	214	7.94	.40	1.01	9.35
Chest.....	215	8.20	.41	1.22	9.83
Bed.....	217	7.44	.37	.39	8.20

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice.

The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, and allowances in effect during March, 1942, on sales to each class of purchaser.

(b) *Maximum prices of retailers.* A retailer who purchases an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect prior to the issuance of this order, and adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to the manufacturer. If he did not establish a maximum price for the article before the issuance of this order, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the retailer must find his maximum resale price (without the adjustment charge) by using as cost his invoice cost but not including any adjustment charge which is stated on the invoice as a separate amount.

The maximum prices as adjusted are subject to each seller's customary terms, discounts and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of or prior to the first invoice to a retailer on and after the effective date of this order, showing a price adjusted in accordance with the terms of this order, the manufacturer shall notify the retailer in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the articles. This notice may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 2d day of May 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7107; Filed, May 1, 1945;
11:57 a. m.]

[MPR 188, Order 34 Under Order 1052]

DAVID M. LEA & Co., INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to paragraph (h) of Order No. 1052, under § 1499.159b of Maximum Price Regulation 188, it is ordered:

(a) *Manufacturer's maximum prices.* David M. Lea & Company, Inc., Richmond, Virginia, may add the following additional adjustment charges to its maximum prices for sales and deliveries to retailers of the articles listed below which it manufactures, resulting in the following adjusted maximum prices:

Article	Model No.	Maximum price	Adjustment permitted by paragraph (d) of order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum prices to retailers
Bed.....	185	\$5.00	\$0.25	\$0.95	\$6.20
Chest.....	126	6.50	.33	.46	7.29
	128	7.25	.36	.52	8.13
	532	9.10	.46	1.22	10.78
Dresser (with toilet).....	536	10.25	.51	1.14	11.90
Bed.....	585	6.50	.33	1.09	7.92
Chest.....	526	6.10	.31	.63	6.94
	528	7.25	.36	1.31	8.92

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances and other price differentials in effect during March, 1942, on sales to each class of purchaser.

(b) *Maximum prices of retailers.* A retailer who purchases an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect prior to the issuance of this order, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to the manufacturer. If he did not establish a maximum price for the article before the issuance of this order, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the retailer must find his maximum resale price (without the adjustment charge) by using as cost his invoice cost but not including any adjustment charge which is stated on the invoice as a separate amount.

The maximum prices so adjusted are subject to each seller's customary terms, discounts and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of or prior to the first invoice to a retailer on and after the effective date of this order, showing a price adjusted in accordance with the terms of this order, the manufacturer shall notify the retailer in writ-

ing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the articles. This notice may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 2d day of May 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7108; Filed, May 1, 1945;
11:57 a. m.]

[MPR 188, Order 35 Under Order 1052]

SOUTHERN FURNITURE MANUFACTURING CO.
ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to paragraph (h) of Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* Southern Furniture Manufacturing Company, Nableton, Georgia, may add the following additional adjustment charges to its maximum prices for sales and deliveries to retailers of the articles listed below which it manufactures, resulting in the following adjusted maximum prices:

Article	Model No.	Maximum price	Adjustment permitted by paragraph (d) of order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum price
Bed	206	\$7.55	\$0.38	\$2.63	\$10.56
Chest	206	7.00	.35	2.90	10.25
Vanity	206	13.40	.67	4.33	18.40
Bed	247	8.85	.45	3.08	12.38
Chest	247	8.25	.41	3.27	11.93
Vanity	247	13.85	.69	4.49	19.03
Bed	265	11.10	.56	4.06	15.72
Chest	265	8.60	.49	3.07	12.10
Vanity	265	15.25	.76	4.53	20.54
Bed	290	12.70	.64	4.71	18.05
Chest	290	11.00	.55	3.29	14.84
Vanity	290	10.25	.96	4.40	24.61

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of retailers.* A retailer who buys an article covered by this order, and resells it in substantially the same form may collect from his customer, in addition to his properly established maximum price in effect prior to the issuance of this order, an adjustment charge in the same amount as the additional adjustment charge herein authorized for, and which he pays to the manufacturer. If he did not establish a maximum price for the article before the

issuance of this order, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the retailer must find his maximum resale price (without the adjustment charge) by using as cost his invoice cost not including any adjustment which is stated on the invoice as a separate amount. The adjusted resale prices are subject to each seller's customary terms, discounts and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of or prior to the first invoice to a retailer on and after the effective date of this order, showing a price adjusted in accordance with the terms of this order, the manufacturer shall notify the retailer, in writing, of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the article. This notice may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 2d day of May 1945.

Issued the 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7109; Filed, May 1, 1945;
11:57 a. m.]

[MPR 188, Order 3735]

HARDER REFRIGERATOR CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.158 of Maximum Price Regulation No. 188; it is ordered:

(a) The maximum net prices, f. o. b. Cobleskill, New York, for sales by the Harder Refrigerator Corporation of the following farm and home freezers shall be:

Model	Size	On sales to distributors	On sales to dealers	On sales to consumers
	cu. ft.			
H-14	14	\$236.50	\$283.80	\$473.00
H-15	15	247.50	297.00	495.00
H-16	16	258.50	310.20	517.00
H-18	18	280.50	336.60	561.00
H-20	20	302.50	363.00	605.00
H-22	22	324.50	389.40	649.00
H-24	24	346.50	415.80	693.00
H-28	28	413.00	495.00	826.00
H-30	30	435.00	522.00	870.00
H-34	34	479.00	574.80	958.00
H-36	36	499.00	598.80	998.00
H-38	38	521.00	625.20	1,042.00
H-42	42	565.00	678.00	1,130.00
H-46	46	609.00	730.80	1,218.00
H-48	48	631.00	757.20	1,262.00
H-50	50	653.00	783.60	1,306.00

All prices above are for freezers complete, including chest, coils, compressor, valve and control.

Model	Size	On sales to distributors	On sales to dealers	On sales to consumers
	cu. ft.			
H-14	14	\$154.00	\$184.80	\$308.00
H-15	15	165.00	198.00	330.00
H-16	16	176.00	211.20	352.00
H-18	18	198.00	237.60	396.00
H-20	20	220.00	264.00	440.00
H-22	22	242.00	290.40	484.00
H-24	24	264.00	316.80	528.00
H-28	28	308.00	369.60	616.00
H-30	30	330.00	396.00	660.00
H-34	34	374.00	448.80	748.00
H-36	36	396.00	475.20	792.00
H-38	38	418.00	501.60	836.00
H-42	42	462.00	554.40	924.00
H-46	46	506.00	607.20	1,012.00
H-48	48	528.00	633.60	1,056.00
H-50	50	550.00	660.00	1,100.00

All prices above are for chests and coils only.

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser as a charge to cover the cost of crating, when crating is actually supplied: \$6.00.

(c) The maximum net prices for sales by distributors of the following farm and home freezers manufactured by the Harder Refrigerator Corporation, shall be:

Model	Size	On sales to dealers	On sales to consumers
	cu. ft.		
H-14	14	\$283.80	\$473.00
H-15	15	297.00	495.00
H-16	16	310.20	517.00
H-18	18	336.60	561.00
H-20	20	363.00	605.00
H-22	22	389.40	649.00
H-24	24	415.80	693.00
H-28	28	495.00	826.00
H-30	30	522.00	870.00
H-34	34	574.80	958.00
H-36	36	598.80	998.00
H-38	38	625.20	1,042.00
H-42	42	678.00	1,130.00
H-46	46	730.80	1,218.00
H-48	48	757.20	1,262.00
H-50	50	783.60	1,306.00

All prices above are for freezers complete, including chest, coils, compressor, valve and control.

Model	Size	On sales to dealers	On sales to consumers
	cu. ft.		
H-14	14	\$184.80	\$308.00
H-15	15	198.00	330.00
H-16	16	211.20	352.00
H-18	18	237.60	396.00
H-20	20	264.00	440.00
H-22	22	290.40	484.00
H-24	24	316.80	528.00
H-28	28	369.60	616.00
H-30	30	396.00	660.00
H-34	34	448.80	748.00
H-36	36	475.20	792.00
H-38	38	501.60	836.00
H-42	42	554.40	924.00
H-46	46	607.20	1,012.00
H-48	48	633.60	1,056.00
H-50	50	660.00	1,100.00

All prices above are for chests and coils only.

(d) The maximum net prices for sales by dealers to consumers of the following farm and home freezers manufactured by the Harder Refrigerator Corporation, shall be:

Model	Size	On sales to consumers	Model	Size	On sales to consumers
	<i>Cu. ft.</i>			<i>Cu. ft.</i>	
H-14.....	14	\$473.00	H-30.....	30	870.00
H-15.....	15	495.00	H-34.....	34	958.00
H-16.....	16	517.00	H-36.....	36	998.00
H-18.....	18	561.00	H-38.....	38	1,042.00
H-20.....	20	605.00	H-42.....	42	1,130.00
H-22.....	22	649.00	H-46.....	46	1,218.00
H-24.....	24	693.00	H-48.....	48	1,262.00
H-28.....	28	826.00	H-50.....	50	1,306.00

All prices above are for freezers complete, including chest, coils, compressor, valve and control.

Model	Size	On sales to consumers	Model	Size	On sales to consumers
	<i>Cu. feet</i>			<i>Cu. feet</i>	
H-14.....	14	\$308.00	H-30.....	30	660.00
H-15.....	15	330.00	H-34.....	34	748.00
H-16.....	16	352.00	H-36.....	36	792.00
H-18.....	18	396.00	H-38.....	38	836.00
H-20.....	20	440.00	H-42.....	42	924.00
H-22.....	22	484.00	H-46.....	46	1,012.00
H-24.....	24	528.00	H-48.....	48	1,056.00
H-28.....	28	616.00	H-50.....	50	1,100.00

All prices above are for chests and coils only.

(e) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(f) A distributor or dealer may add the following charges to the maximum prices established in (c) and (d) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the following: \$6.00.

(g) Each seller of a commodity covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, including allowable transportation and crating charges.

(h) The Harder Refrigerator Corporation shall stencil on the inside of the lid or cover of each farm and home freezer covered by this order, the maximum net prices to consumers established by this order. The stencil shall contain substantially the following:

OPA Maximum Retail Price \$-----

Plus freight and crating as provided in Order No. ----- under Maximum Price Regulation No. 188.

(i) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 2, 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7110; Filed, May 1, 1945; 11:53 a. m.]

[MPR 188, Order 3736]

TENNESSEE VALLEY ASSOCIATES

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) The maximum prices including federal excise taxes for sales by any person to consumers of the following electric water heaters manufactured by the Tennessee Valley Associates of Nashville, Tennessee, shall be:

R-30-1: 30 gallon, single unit electric water heater.....	\$79.95
R-30-2: 30 gallon, double unit electric water heater.....	84.95
R-40-1: 40 gallon, single unit electric water heater.....	84.95
R-40-2: 40 gallon, double unit electric water heater.....	89.95
R-52-1: 52 gallon, single unit electric water heater.....	94.95
R-52-2: 52 gallon, double unit electric water heater.....	99.95
R-66-1: 66 gallon, single unit electric water heater.....	109.95
R-66-2: 66 gallon, double unit electric water heater.....	119.95
R-80-1: 80 gallon, single unit electric water heater.....	119.95
R-80-2: 80 gallon, double unit electric water heater.....	129.95

(b) The maximum net prices, including federal excise taxes, f. o. b. point of shipment for sales by any person to dealers of the following electric water heaters manufactured by the Tennessee Valley Associates of Nashville, Tennessee, shall be:

R-30-1.....	\$55.58	R-52-2.....	\$70.37
R-30-2.....	59.10	R-66-1.....	77.41
R-40-1.....	59.81	R-66-2.....	84.45
R-40-2.....	63.33	R-80-1.....	84.45
R-52-1.....	66.85	R-80-2.....	91.49

(c) The maximum net prices including federal excise taxes, f. o. b. point of shipment for sales by any person to non-stocking jobbers of the following electric water heaters manufactured by the Tennessee Valley Associates of Nashville, Tennessee, shall be:

R-30-1.....	\$49.02	R-52-2.....	\$62.07
R-30-2.....	52.13	R-66-1.....	68.28
R-40-1.....	52.75	R-66-2.....	74.48
R-40-2.....	55.86	R-80-1.....	74.48
R-52-1.....	58.96	R-80-2.....	80.70

(d) The maximum net prices including federal excise taxes, f. o. b. point of shipment for sales by any person to stocking jobbers of the following electric water heaters manufactured by the Tennessee Valley Associates of Nashville, Tennessee, shall be:

R-30-1.....	\$46.89	R-52-2.....	\$59.37
R-30-2.....	49.86	R-66-1.....	65.31
R-40-1.....	50.46	R-66-2.....	71.25
R-40-2.....	53.43	R-80-1.....	71.25
R-52-1.....	56.40	R-80-2.....	77.19

(e) The maximum prices established by this order shall be subject to such discounts, allowances including transportation allowances, and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(f) The maximum prices for sales on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(g) Each seller except on sales to consumers shall notify in writing each purchaser of the seller's maximum price established by this order at or before of the time of the first invoice as well as the maximum prices established for each such purchaser on resale.

(h) The Tennessee Valley Associates shall stencil in a conspicuous place on each of the electric water heaters covered by this order the maximum price to consumers established by this order and shall identify such prices as the maximum price to consumers.

(i) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 2, 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7111; Filed, May 1, 1945; 11:54 a. m.]

[MPR 260, Amdt. 1 to Order 321]

F. & D. MANUFACTURING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered, That:*

The maximum prices for the "F. & D. Fine and Dandy" set forth in paragraph (a) of Order No. 321, under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
F. & D.....	Fine & Dandy-	50	Per M \$32	Cents \$0.01

This amendment shall become effective May 2, 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7116; Filed, May 1, 1945; 11:59 a. m.]

[MPR 260, Amdt. 1 to Order 376]

EAGLE MERCANTILE CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment, and pursuant to § 1358.102a of Maximum Price Regulation No. 260; *It is ordered, That:*

The maximum prices for the "La Flor de Gavilla Coronas Gloria" and the "La Flor de Gavilla Londres" set forth in paragraph (a) of Order No. 376, under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Frontmark	Pack- ing	Maxi- mum list price	Maxi- mum retail price
La Flor de Ga- villa.	Coronas Glo- ria, Londres.....	25	per M. \$195	cents 25
		25	145	3 for 55

This amendment shall become effective May 2, 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7117; Filed, May 1, 1945;
11:59 a. m.]

[MPR 260, Amdt. 1 to Order 377]

CHICAGO TOBACCO Co.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102a of Maximum Price Regulation 260; *It is ordered*, That:

The maximum prices for the "Benedit Rangers" set forth in paragraph (a) of Order No. 377 under Maximum Price Regulation 260, are amended to read as follows:

Brand	Size or frontmark	Pack- ing	Maxi- mum list price	Maxi- mum retail price
Benedit.....	Rangers.....	25	Per M \$176	Cents 22

This amendment shall become effective May 2, 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7118; Filed, May 1, 1945;
12:00 p. m.]

[MPR 260, Amdt. 1 to Order 393]

MARK CIGAR Co.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

The maximum prices for the "Jose Java Perfecto—5'" set forth in paragraph (a) of Order No. 393, under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Pack- ing	Maxi- mum list price	Maxi- mum retail price
Jose Java Per- fecto	5".....	50	Per M \$123	Cents 16

This amendment shall become effective May 2, 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7119; Filed, May 1, 1945;
11:59 a. m.]

[MPR 260, Amdt. 1 to Order 421]

H. N. HEUSNER & SON, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260, *It is ordered*, That:

The maximum prices for the "City Club 5¼'" set forth in paragraph (a) of Order No. 421 under Maximum Price Regulation 260 are amended to read as follows:

Brand	Size or frontmark	Pack- ing	Maxi- mum list price	Maxi- mum retail price
City Club.....	5¼".....	50	Per M \$60	Cents 2 for 15

This amendment shall become effective May 2, 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7120; Filed, May 1, 1945;
12:00 p. m.]

[MPR 260, Amdt. 1 to Order 573]

ISIDORE HALPERN

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment, and pursuant to § 1358.102a of Maximum Price Regulation No. 260; *It is ordered*, That:

The maximum prices for the "La Flor De Gavilla Victoria Corona", "La Flor De Gavilla Gloria Corona" and "La Flor De Gavilla Londres" set forth in paragraph (a) of Order No. 573, under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Frontmark	Pack- ing	Maxi- mum list price	Maxi- mum retail price
La Flor De Gavilla.	Victoria Corona.	25	Per M \$212.50	Cents 28
	Gloria Corona.	25	195.00	25
	Londres.....	25	145.00	3 for 55

This amendment shall become effective May 2, 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7121; Filed, May 1, 1945;
11:59 a. m.]

[MPR 260, Order 856]

PAN AMERICAN CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Pan American Cigar Factory, 2716 Union Street, Tampa 7, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Pack- ing	Maxi- mum list price	Maxi- mum retail price
P. A.....	Panetela.....	50	Per M \$55	Cents 7
	Cadete.....	50	60	2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in

the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 2, 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7122; Filed, May 1, 1945;
12:00 m.]

[MPR 220, Order 103]

M. AILETCHER & Co.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1315.1558 of Maximum Price Regulation No. 320 and section 6.4 of Revised Supplemental Regulation No. 14, it is ordered:

(a) *Applicability.* This order applies to the manufacturer's, wholesalers' and retailers' sales of the Item No. 500 bathing cap made of .006 gauge VVNS resin sheeting and manufactured by M. Ailletcher & Company of Lakewood, New Jersey.

(b) *Sales by the manufacturer.* The maximum price for sales by M. Ailletcher & Company, 120 Second Street, Lakewood, New Jersey, of the commodity described in paragraph (a) of this order shall be:

\$3.45 per dozen for sales to wholesalers.
\$4.25 per dozen for sales to retailers West of the Rocky Mountains.
\$4.05 per dozen for sales to other retailers.

(c) *Sales by wholesalers.* The maximum prices for sales at wholesale of the commodity described in paragraph (a) of this order shall be the maximum price for such sales furnished the wholesaler by the manufacturer and computed by the manufacturer according to the pricing method and percentages set forth in § 1315.1559a of Maximum Price Regulation No. 220.

(d) *Sales at retail.* The maximum prices for sales at retail of the commodity described in paragraph (a) shall be the maximum prices for such sales furnished the retailer by his seller and computed according to the pricing method and percentages set forth in § 1315.1559a of Maximum Price Regulation No. 220.

(e) *Notification of maximum prices by the manufacturer and wholesalers.* The manufacturer shall compute the maximum prices applicable to sales by wholesalers and retailers of the commodity priced by this order according to the method and percentages set forth in § 1315.1559a of Maximum Price Regulation No. 220. The notification of maximum prices provisions and other provisions of § 1315.1559a are applicable to the commodity priced by this order.

(f) Between 60 and 75 days after the effective date of this order the manufac-

turer shall recompute its costs and report them to the Office of Price Administration. The costs shall be recomputed in the manner provided in § 1315.1557 (a) except that the actual number of labor hours, October, 1943, labor rates, actual quantities of materials, and October, 1943, materials prices shall be used in its recomputations.

(g) This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective May 1, 1945.

Issued this 1st day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7143; Filed, May 1, 1945;
4:56 p. m.]

[Supp. Order 94, Order 51]

UNITED STATES DEPARTMENT OF COMMERCE

SPECIAL MAXIMUM PRICES FOR MILITARY SAND BAGS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes the maximum price for the sale and delivery by any reseller of the new military sand bags hereinafter described, which have been or may be purchased from the United States Department of Commerce, or from any other United States Government agency.

(b) *Maximum price.* The maximum price for sales and deliveries by all resellers of the new military sand bag described herein, in any quantity and to any class of purchaser, shall be \$0.10 each f. o. b. shipping point.

Description of sand bag. Military bur-lap or osnaburg sand bag, manufactured in the United States; some mildew-proofed.

(c) *Discounts.* Every seller shall continue to maintain his customary discounts for cash.

(d) *Relation to other regulations and orders.* This order with respect to the commodities it covers supersedes any other regulation or order previously issued by the Office of Price Administration.

(e) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective May 3, 1945.

Issued this 2d day of May 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-7202; Filed, May 2, 1945;
11:44 a. m.]

[Supp. Order 94, Order 52]

UNITED STATES MARITIME COMMISSION SPECIAL MAXIMUM PRICES FOR SHIP BELLS

For the reasons set forth in an opinion issued simultaneously herewith and filed

with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which the new ship bells hereinafter described may be sold by the United States Maritime Commission, and by subsequent resellers.

(b) *Maximum prices.* Maximum prices per ship bell described herein shall be:

Description of ship bell. Cast steel bell, painted bronze, 10" high, 9 3/4" diameter bottom, 5" diameter top; clapper 8" long; bolt 5" long with 1" eye one end, threaded with nut other end to fasten clapper to bell; Navy stock No. 23B135; marked U. S. N., packed one to carton, approximate weight 15 lbs; manufactured by Nivison-Weiskop Co., Cincinnati and Reading, Ohio.

Price for sales by all persons to retailer,
f. o. b. shipping point..... \$8.50
Price for all sales at retail..... 12.50

(c) *Discounts.* Every seller shall continue to maintain his customary discounts for cash.

(d) *Notification.* Any person who sells the bells described in paragraph (b) to a retailer shall furnish the retailer with an invoice of sale setting forth the retailer's maximum reselling price, and stating that the retailer is required by this order to attach to each bell before sale a tag or label containing the following:

OPA ceiling price—\$12.50.

(e) *Tagging.* Any person who sells the bells described in paragraph (b) at retail shall attach to each bell before sale a tag or label which plainly states the retail ceiling price.

(f) *Relation to other regulations and orders.* This order with respect to the commodities it covers supersedes any other regulation or order previously issued by the Office of Price Administration.

(g) *Definitions.* (1) "Retailer" means any person whose sales to purchasers for use constitute a substantial part of his total sales.

(2) "Wholesaler" means any person other than a manufacturer who distributes or sells bells to resellers.

(h) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective May 3, 1945.

Issued this 2d day of May 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-7203; Filed, May 2, 1945;
11:35 a. m.]

[Supp. Order 94, Order 53]

UNITED STATES TREASURY DEPARTMENT, PROCUREMENT DIVISION, ET AL.

SPECIAL MAXIMUM PRICES FOR STEEL TOOL BOXES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,

and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which new mechanics' steel tool boxes herein-after described may be sold by United States Treasury Department, Procurement Division, and/or Department of Commerce and by any subsequent reseller.

(b) *Maximum prices.* Maximum prices for each mechanics' steel tool box described herein shall be:

Description of tool box. New mechanics' steel tool box, olive drab, 16 gauge steel ends, 22 gauge sides, top and bottom, 8½" wide, 7¼" high, 21" long, gable top. Sectional interior top tray. Weight 14 lbs. each, packed four to carton.

Price of all resellers, except retailers: \$2.50, freight allowed up to \$0.25.

Price for all sales at retail: \$4.

(c) *Discounts.* Every seller shall continue to maintain his customary discounts for cash.

(d) *Notification.* Any person who sells the steel tool boxes described in paragraph (b) to a retailer shall furnish the retailer with an invoice of sale setting forth the retailer's maximum reselling price, and stating that the retailer is required by this order to attach to each tool box before sale a tag or label containing the following:

OPA ceiling price—\$4.00

(e) *Tagging.* Any person who sells the tool boxes described in paragraph (b) at retail shall attach to each tool box before sale a tag or label which plainly states the retail ceiling price.

(f) *Definitions.* (1) "Retailer" means any person whose sales to purchasers for use constitute a substantial part of his total sales.

(2) "Wholesaler" means any person other than a manufacturer who distributes or sells tool boxes to resellers.

(g) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective May 3, 1945.

Issued this 2d day of May 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-7204; Filed, May 2, 1945;
11:35 a. m.]

[Order 35 Under 3 (e), Amdt. 1]

CUPRINOL, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, Order No. 35 under § 1499.3 (e) of the General Maximum Price Regulation is amended to read as follows:

Cuprinol, Inc., Boston, Massachusetts, and all retailers are hereby authorized to sell Cuprinol in a 2-ounce bottle with special applicator at retail at prices not to exceed \$.50 per 2-ounce bottle and

in a 4-ounce bottle with special applicator at retail at prices not to exceed \$1.00 per 4-ounce bottle.

It is further ordered: That Cuprinol, Inc., is hereby authorized to sell Cuprinol as follows:

Jobbers.....Retail price set forth above,
less 50% and 10%.

Dealers.....Retail price set forth above,
less 40%.

All prices delivered to buyers' destination.

Cuprinol, Inc., shall, for a period of 90 days, place in each case of Cuprinol, a notice to all Retailers, as follows:

The Office of Price Administration has established maximum prices at \$.50 per 2-ounce bottle and \$1.00 per 4-ounce bottle for retail sales of Cuprinol in 2 and 4-ounce bottles with special applicator. All sellers are required to maintain their customary discount allowances and pricing differentials applying to like sales of comparable items.

This Amendment No. 1 to Order No. 35 may be revoked or amended at any time by the Office of Price Administration.

This Amendment No. 1 to Order No. 35 shall become effective immediately.

Issued this 2d day of May, 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-7205; Filed, May 2, 1945;
11:40 a. m.]

[Order 44 Under 3 (e)]

INTERNATIONAL TRADING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.3 (e) (1) of the General Maximum Price Regulation; It is ordered:

(a) The maximum prices, f. o. b. New Orleans, Louisiana, for sales by the International Trading Company of its Ace Bed Lock Tightener Package as described in its application dated January 24, 1945, shall be:

On sales to distributors and jobbers.....\$8.85 per carton of 36 packages (including screws).

On sales to dealers.....\$11.80 per carton of 36 packages (including screws).

On sales to consumers.....\$0.50 per package (including screws).

(b) The maximum prices for distributors and jobbers of the Ace Bed Lock Tightener Package assembled by the International Trading Company shall be:

On sales to dealers.....\$11.80 per carton of 36 packages (including screws).

On sales to consumers.....\$0.50 per package (including screws).

(c) The maximum price of the Ace Bed Lock Tightener Package for sales by dealers shall be:

On sales to consumers.....\$0.50 per package (including screws).

(d) The maximum prices established in (a), (b) and (c) above shall be subject

to discounts and allowances, including transportation allowances and price differentials, and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(e) Each seller of the commodity covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established for each such seller as well as the maximum prices established for purchasers upon resale.

(f) The International Trading Company shall print on the package containing the complete Ace Bed Lock Tightener Package as described in its application dated January 24, 1945, or attach a tag to such package, indicating the following:

OPA Maximum Retail Price—\$0.50

(g) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective May 3, 1945.

Issued this 2d day of May, 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-7207; Filed, May 2, 1945;
11:36 a. m.]

[MPR 120, Amdt. 1 to Order 1305]

BITUMINOUS COAL IN DISTRICT 13

ORDER CONSOLIDATING ADJUSTMENTS FOR INDIVIDUAL MINES

Amendment No. 1 to Order No. 1305 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant. Docket No. 6053-120.207 (a)-155.

For the reasons set forth in the opinion issued simultaneously herewith and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, It is ordered:

Order No. 1305 is amended in the following respects:

(1) The reference to footnote "1" following mine index number "6" in line 3 of the schedule of maximum prices is deleted and reference to footnote "3" is inserted in lieu thereof.

(2) The following footnote is added at the end of the schedule of maximum prices immediately after footnote 2 to read as follows:

* Void on and after October 1, 1945.

This amendment No. 1 to Order No. 1305 under Maximum Price Regulation No. 120 shall become effective May 3, 1945.

Issued this 2d day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-7184; Filed, May 2, 1945;
11:40 a. m.]